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Sanders Initials

MEETING AGENDA
ENVIRONMENTAL PROTECTION COMMISSION
WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA
November 19-20, 1990

Meeting convenes at 10:00 a.m., November 19, 1990 in the fourth floor conference room and reconvenes on November 20, 8:30 a.m., if necessary.

Appointments:

Public Participation	**11:00 a.m.**
Kent Kelsey (Grimes composting facility)	**1:30 p.m.**
John Deere Dubuque Works	2:30 p.m.
Deer Run Farm Representative (A.G. Referral)	**3:00 p.m.**
Break	**3:30 p.m.**
William Waddingham	4:00 p.m.
Item #21 Louisa Courts Contested Case Appeal	2:00 p.m.

1. **Approve Agenda.**
2. **Approve Minutes of October 15, 1990.**
3. **Director's Report. (Wilson) Information.**
4. **Cass County - Atlantic Field Office Lease. (Kuhn) Decision.**
5. **Nonpoint Pollution Control Project Contract. (Kuhn) Decision.**
6. **Financial Status Report. (Kuhn) Information.**
7. **Monthly Reports. (Stokes) Information.**
8. **Regulation of Junk Yards and Scrap Dealers. (Stokes) Information.**
9. **Clean Air Act Amendments and Toxic Air Pollutants. (Stokes) Information.**
10. **NSPS/NESHAPS Rule Revisions. (Stokes) Information.**
11. **305B Water Quality Report. (Stokes) Information.**
12. **Animal Waste Control Programs Comparison. (Stokes) Information.**
13. **Construction Grants Delegation Agreement. (Stokes) Decision.**
14. **State Revolving Fund Intended Use Plan. (Stokes) Decision.**
15. **Final Rule--Chapter 61, Water Quality Standards: Use Designation - Phase II. (Stokes) Decision.**

16. Final Rule--Chapters 40, 41, and 43, Water Supplies (Filtration & Disinfection). (Stokes) Decision.

17. Final Rule--Chapters 40 and 41, Water Supplies (Coliform Bacteria). (Stokes) Decision.

18. Referrals to the Attorney General. (Combs) Decision.

    a) Country Lane Foods, Div. of Yoder, Inc. (Kalona)
    b) MoCo Pork and Deer Run Farm, Inc. (Albia)
    c) William Waddingham and Hancock County

19. Proposed Contested Case Decision--Jerry F. Jones. (Combs) Decision

20. Proposed Contested Case Appeal--John Deere Dubuque Works. (Combs) Decision.

21. Louisa Courts Contested Case Appeal. (Combs) Decision.

22. General Discussion Items.

23. Address Items for Next Meeting.

NEXT MEETING DATES

December 17-18, 1990
January 22-23, 1991 (Tues & Wed)
February 18-19, 1991

ENVIRONMENTAL PROTECTION COMMISSION

Monday, November 19, 1990

NAME	COMPANY OR AGENCY	CITY
[illegible] Erwin	Midwest Research	Ft Dodge IA
Theresa Kehoe	Sen Demo Caucus	DSM
Cynthia Hubert	DM Register	DM
Marilyn Halterman		Carlisle, IA
Dan Vest	GROWMARK	Bloomington, IL.
Jane McAllister	Ahlers Law Firm	Des Moines
Ted Yanecek	Deere Co	Moline IL
Bryce Harthoorn	Iowa Assoc of Business & Ind.	Des Moines. IA
Jack Clark	Iowa Utility Assoc.	Des Moines IA
Bill Behan	Deere & Co	Des Moines
Mick Durham	Stanley Consultants	Muscatine
Bob Rasmussen	Radio IA	DM
Linda Goeldner	Iowa Hospital Assoc	DM
Darrell Weems	IFBF	D.M.
Keith Clemmons	Hygienic Lab	I City
Joe L. Nettleton	SAH	Charles City

ENVIRONMENTAL PROTECTION COMMISSION

November 19, 1990

NAME	COMPANY OR AGENCY	CITY
Tom Henderson	Attorney for Grimes	DSM
Dennis W-Hill	MoCoPork	Albia
Jeff A. Kayser	" "	"
Dale Johnson	Farm Bureau Spokesman	WDM.
Bill Tassar	Deere + Company	Moline, IL
Nathan Shepherd	Iowa Citizen Action Net.	Iowa City
Harold Muck	Deer Run Farm	Albia
Kerry Anderson	Atty for HANCOCK Co. ENGINEER	Des Moines

Minutes of the Environmental Protection Commission Meeting

November 19, 1990

Wallace State Office Building, Des Moines, Iowa

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NOVEMBER 1990 COMMISSION MEETING

The meeting of the Environmental Protection Commission was held in the Wallace State Office Building, Des Moines, Iowa, convening at 10:00 a.m. on November 19, 1990.

MEMBERS PRESENT

William Ehm, Richard Hartsuck, Rozanne King, Charlotte Mohr, Margaret Prahl, Gary Priebe, Nancylee Siebenmann, and Clark Yeager.

MEMBERS ABSENT

Mike Earley

ADOPTION OF AGENDA

The following appointments were added to the agenda:

Gene Hinkhouse, Louisa Courts Contested Case Appeal - 2:00 p.m.
John Deere Dubuque Works - 2:30 p.m.
William Waddingham - 4:00 p.m.

Motion was made by Nancylee Siebenmann to approve the agenda as amended. Seconded by Margaret Prahl. Motion carried unanimously.

ADOPTION OF MINUTES

Rozanne King pointed out that on page 149 there was no "second" to the motion made by Commissioner Hartsuck.

Chairperson Mohr asked that a correction be made to show that William Ehm seconded the motion.

Motion was made by Richard Hartsuck to approve the minutes of October 15, 1990 as amended. Seconded by Rozanne King. Motion carried unanimously.

DIRECTOR'S REPORT

Director Wilson distributed copies of a Des Moines Register article entitled "Waste Forum Provided to 100 Locations" and noted that it refers to a conference being held in Ames today. The name of the conference is "Future Directions in Waste Management" and several department personnel will be involved in that conference.

Mr. Wilson reported that the budget presentation last week to the Governor and the Department of Management went very well. He added that the Commission will be provided a copy of the budget presentation.

CASS COUNTY - ATLANTIC FIELD OFFICE LEASE

Mark Slatterly, Bureau Chief, Budget and Grants Bureau, presented the following item.

The Environmental Protection Commission is requested to approve a five year lease with Burk Steel, Inc. for 4000 square feet of office space located at 706 Sunnyside Lane, Atlantic, Iowa.

The current facility is 2,012 sq. ft., and leases for $6.14 per sq. ft. Proposals were also submitted by Noddle Development, 2,800 sq. ft. for $3.31 per sq. ft., and by Cohorn Investment, 2,800 sq. ft., for $4.00 per sq. ft.

Additional space is needed to accomodate program expansion. This facility also meets the handicapped accessiblity requirements recently ordered by the Governor's Office.

Conditions of the lease include a base rent of $3.30/ square foot with the landlord responsible for taxes and any special assessments. The lease will commence 1 December 90 and run to 30 November 95. Commission approval is requested.

Mr. Slatterly explained that the new office space is approximately twice the size of the present location. Total annual lease costs for the selected site will be $13,200 plus utilities, which will be approximately $15,500 per year.

Motion was made by Richard Hartsuck to approve the five-year lease for Atlantic Field Office as presented. Seconded by Nancylee Siebenmann. Motion carried unanimously.

NONPOINT POLLUTION CONTROL PROJECT CONTRACT

Mark Slatterly, Bureau Chief, Budget and Grants Bureau, presented the following item.

The Commission is requested to approve a contract with The Division of Soil Conservation, Iowa Department of Agriculture and Land Stewardship, to carry out a nonpoint pollution control project in Dickinson County. The project, the Iowa Great Lakes Protection Project, is designed to reduce the effects of nonpoint source pollution and protect and restore wetlands in the watershed area of the Iowa Great Lakes. Project activities include:

* watershed protection;

* wetland restoration and development, and;

* development of pesticide and nutrient programs for agricultural and non-agricultural lands.

The contract amount is $25,000 and will support a staff position in the Dickinson County Soil and Water Conservation District to carry out the first year activities of the project. Additional funding for this project will come from the State Water Protection Program funds administered by the Division of Soil Conservation.

(A copy of the contract is on file in the department's Records Center)

Mr. Slatterly explained the contract and funding for same.

Discussion took place regarding the Statement of Work in Article III and specifics as to what is expected to be accomplished.

Motion was made by Margaret Prahl to approve a contract with Iowa Department of Agriculture and Land Stewardship for the Iowa Great Lakes Protection Project as presented. Seconded by Richard Hartsuck. Motion carried unanimously.

FINANCIAL STATUS REPORT

Mark Slatterly, Bureau Chief, Budget and Grants Bureau, presented the following item.

Attached are the YTD Financial Status reports for each division.

The YTD Plan column is simply 4/12th's of the annual budget. To complicate matters further, the month of October included 3 payrolls instead of the usual two. This happens two months out of twelve because there are twenty-six payrolls in a fiscal year. Thus, most salary budgets appear to be "over budget."

Additionally, through a computer glitch, the Legal Cost Center salaries have been charged to the Director's Office for the past month, making it appear that salaries in the Director's Office are considerably over budget. That is not the case.

Other than the technical problems, there are no significant expenditure concerns to this point.

(Report is shown on the following 3 pages)

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 10/31/90

	TOTAL EXPENDITURES 10/01/90 - 10/31/90	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
1000 DIRECTOR"S OFFICE					
101 PERSONAL SERVICES	59,728.29	121,642.88	89,791.00	31,851.88	269,374.00
202 PERSONAL TRAVEL	2,975.79	9,213.37	13,333.00	4,119.63-	40,000.00
301 OFFICE SUPPLIES	15.40	122.80	666.00	543.20-	2,000.00
303 EQUIPMENT MAINTENANCE SUP	174.78	174.78	250.00	75.22-	750.00
308 OTHER SUPPLIES	0.00	3.19	400.00	396.81-	1,200.00
309 PRINTING & BINDING	2,427.10	4,633.50	4,666.00	32.50-	14,000.00
410 DATA PROCESSING	0.00	441.90	1,600.00	1,158.10-	4,800.00
414 REIMBURSEMENTS TO OTHER A	55.00	55.00	250.00	195.00-	750.00
DIVISION TOTAL	65,376.36	136,287.42	110,956.00	25,331.42	332,874.00

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 10/31/90

	TOTAL EXPENDITURES 10/01/90 - 10/31/90	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
2000 COORDINATION AND INFORMATION					
101 PERSONAL SERVICES	145,195.88	493,325.38	521,228.00	27,902.62-	1,563,693.00
202 PERSONAL TRAVEL	3,471.79	7,575.17	18,531.00	10,955.83-	55,600.00
203 STATE VEHICLE OPERATION	1,991.90	3,020.92	3,767.00	746.08-	11,306.00
204 STATE VEHICLE DEPRECIATIO	2,490.00	4,980.00	5,733.00	753.00-	17,200.00
301 OFFICE SUPPLIES	1,279.61	23,149.12	27,498.00	4,348.88-	82,500.00
302 FACILITY MAINTENANCE SUPP	289.93	7,076.23	7,999.00	922.77-	24,000.00
303 EQUIPMENT MAINTENANCE SUP	1,080.35	3,068.11	4,000.00	931.89-	12,000.00
307 AG.,CONSERVATION & HORT S	0.00	295.52	166.00	129.52	500.00
308 OTHER SUPPLIES	3,288.71	10,836.11	12,365.00	1,528.89-	37,100.00
309 PRINTING & BINDING	38,959.96	115,391.04	132,648.00	17,256.96-	397,950.00
312 UNIFORMS & RELATED ITEMS	0.00	29.76	83.00	53.24-	250.00
401 COMMUNICATIONS	1,051.72	3,457.15	4,000.00	542.85-	12,000.00
402 RENTALS	0.00	337.34	282.00	55.34	850.00
403 UTILITIES	4,637.50	8,020.32	9,916.00	1,895.68-	29,750.00
405 PROF & SCIENTIFIC SERVICE	2,180.00	12,217.96	30,000.00	17,782.04-	90,000.00
406 OUTSIDE SERVICES	5,163.31	11,822.79	27,749.00	15,926.21-	83,250.00
408 ADVERTISING & PUBLICITY	1,064.00	1,064.00	4,166.00	3,102.00-	12,500.00
410 DATA PROCESSING	0.00	2,675.22	8,384.00	5,708.78-	25,152.00
414 REIMBURSEMENTS TO OTHER A	631.47	631.47	1,666.00	1,034.53-	5,000.00
501 EQUIPMENT	102.94	2,557.65	13,949.00	11,391.35-	41,850.00
DIVISION TOTAL	212,879.07	711,531.26	834,130.00	122,598.74-	2,502,451.00

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 10/31/90

	TOTAL EXPENDITURES 10/01/90 - 10/31/90	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
3000 ADMINISTRATIVE SERVICES DIV.					
101 PERSONAL SERVICES	481,773.34	1,422,190.31	1,373,234.00	48,956.31	4,119,712.00
202 PERSONAL TRAVEL	4,382.60	12,478.66	20,113.00	7,634.34-	60,350.00
203 STATE VEHICLE OPERATION	8,082.60	16,283.48	20,166.00	3,882.52-	60,500.00
204 STATE VEHICLE DEPRECIATIO	10,970.00	21,960.00	24,166.00	2,206.00-	72,500.00
301 OFFICE SUPPLIES	50,937.18	121,109.74	115,444.00	5,665.74	346,340.00
302 FACILITY MAINTENANCE SUPP	88.48	141.68	566.00	424.32-	1,700.00
303 EQUIPMENT MAINTENANCE SUP	5,792.86	16,022.87	16,666.00	643.13-	50,000.00
308 OTHER SUPPLIES	432.37	1,473.93	5,161.00	3,687.07-	15,490.00
309 PRINTING & BINDING	1,389.80	3,601.45	12,057.00	8,455.55-	36,175.00
312 UNIFORMS & RELATED ITEMS	0.00	25.83	1,000.00	974.17-	3,000.00
401 COMMUNICATIONS	34,240.81	53,991.05	78,098.00	24,106.95-	234,300.00
402 RENTALS	0.00	117.00	166.00	49.00-	500.00
406 OUTSIDE SERVICES	999.03	15,094.65	16,631.00	1,536.35-	49,900.00
410 DATA PROCESSING	37,185.15	52,519.55	40,898.00	11,621.55	122,700.00
412 AUDITOR OF STATE REIMBURS	48,556.00	48,556.00	26,666.00	21,890.00	80,000.00
414 REIMBURSEMENTS TO OTHER A	9,871.98	10,256.98	4,215.00	6,041.98	12,650.00
501 EQUIPMENT	2,649.43	8,169.09	32,332.00	24,162.91-	97,000.00
DIVISION TOTAL	697,351.63	1,803,992.27	1,787,579.00	16,413.27	5,362,817.00

	TOTAL EXPENDITURES 10/01/90 - 10/31/90	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
4000 PARKS, PRES. & RECREATION DIV.					
101 7592651422 59E935200012000	563,343.86	2,179,176.04	1,830,427.00	348,749.04	5,491,289.00
202 PERSONAL TRAVEL	3,805.80	12,823.12	26,445.00	13,621.88-	79,347.00
203 STATE VEHICLE OPERATION	36,658.86	68,573.45	60,300.00	8,273.45	180,906.00
204 STATE VEHICLE DEPRECIATIO	36,165.00	73,015.00	95,787.00	22,772.00-	287,369.00
301 OFFICE SUPPLIES	2,622.74	11,230.82	15,188.00	3,957.18-	45,575.00
302 FACILITY MAINTENANCE SUPP	70,577.47	164,757.39	186,424.00	21,666.61-	559,282.00
303 EQUIPMENT MAINTENANCE SUP	48,446.65	116,907.91	96,696.00	20,211.91	290,100.00
307 AG.,CONSERVATION & HORT S	5,261.12	7,455.00	6,000.00	1,455.00	18,000.00
308 OTHER SUPPLIES	4,019.09	11,265.77	8,979.00	2,286.77	26,944.00
309 PRINTING & BINDING	167.60	1,380.00	34,111.00	32,731.00-	102,339.00
312 UNIFORMS & RELATED ITEMS	1,094.10	1,504.32	15,970.00	14,465.68-	47,916.00
401 COMMUNICATIONS	6,779.27	22,627.47	22,196.00	431.47	66,592.00
402 RENTALS	7,305.69	13,446.69	6,828.00	6,618.69	20,490.00
403 UTILITIES	30,806.13	104,836.72	114,815.00	9,978.28-	344,451.00
405 PROF & SCIENTIFIC SERVICE	7,000.00	7,000.00	31,333.00	24,333.00-	94,000.00
406 OUTSIDE SERVICES	44,375.68	81,038.67	55,108.00	25,930.67	165,332.00
410 DATA PROCESSING	0.00	630.99	2,665.00	2,034.01-	8,000.00
414 REIMBURSEMENTS TO OTHER A	2,678.75	2,678.75	1,832.00	846.75	5,500.00
501 EQUIPMENT	11,426.72	31,281.87	54,330.00	23,048.13-	163,000.00
602 OTHER EXPENSES & OBLIGATI	0.00	3,078.00	899.00	2,179.00	2,700.00
DIVISION TOTAL	882,534.53	2,914,707.98	2,666,333.00	248,374.98	7,999,132.00

	TOTAL EXPENDITURES 10/01/90 - 10/31/90	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
5000 FORESTRY DIVISION					
101 7592651422 59E935200012000	203,961.41	608,838.75	618,778.00	9,939.25-	1,856,348.00
202 PERSONAL TRAVEL	4,090.77	7,947.66	15,430.00	7,482.34-	46,305.00
203 STATE VEHICLE OPERATION	8,798.28	20,994.39	24,664.00	3,669.61-	74,000.00
204 STATE VEHICLE DEPRECIATIO	16,220.00	35,230.00	41,593.00	6,363.00-	124,781.00
301 OFFICE SUPPLIES	516.07	3,011.80	15,349.00	12,337.20-	46,060.00
302 FACILITY MAINTENANCE SUPP	3,017.84	6,765.72	10,804.00	4,038.28-	32,420.00
303 EQUIPMENT MAINTENANCE SUP	6,593.48	14,056.79	19,051.00	4,994.21-	57,160.00
307 AG.,CONSERVATION & HORT S	9,610.67	16,203.83	27,555.00	11,351.17-	82,668.00
308 OTHER SUPPLIES	266.17	1,064.07	3,198.00	2,133.93-	9,600.00
309 PRINTING & BINDING	2,776.20	3,103.10	3,584.00	480.90-	10,760.00
312 UNIFORMS & RELATED ITEMS	202.76	307.85	1,500.00	1,192.15-	4,500.00
401 COMMUNICATIONS	2,810.85	6,372.40	8,611.00	2,238.60-	25,840.00
402 RENTALS	4,670.48	4,885.48	5,666.00	780.52-	17,000.00
403 UTILITIES	1,421.84	4,650.06	9,498.00	4,847.94-	28,500.00
406 OUTSIDE SERVICES	1,982.30	3,289.91	18,432.00	15,142.09-	55,300.00
408 ADVERTISING & PUBLICITY	64.08	83.06	166.00	82.94-	500.00
410 DATA PROCESSING	0.00	362.91	332.00	30.91	1,000.00
501 EQUIPMENT	3,476.63	9,003.80	34,088.00	25,084.20-	102,273.00
701 LICENSES	50.00	50.00	6.00	44.00	20.00
801 STATE AID	29,806.91	29,806.91	31,333.00	1,526.09-	94,000.00
DIVISION TOTAL	300,336.74	776,028.49	889,638.00	113,609.51-	2,669,035.00

	TOTAL EXPENDITURES 10/01/90 - 10/31/90	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
6000 ENERGY & GEOLOGICAL RESOURCES					
101 7592651422 59E935200012000	270,279.97	816,419.74	786,933.00	29,486.74	2,360,825.00
202 PERSONAL TRAVEL	5,141.08	22,168.92	29,025.00	6,856.08-	87,100.00
203 STATE VEHICLE OPERATION	2,849.03	5,678.34	9,600.00	3,921.66-	28,800.00
204 STATE VEHICLE DEPRECIATIO	4,590.00	9,180.00	9,100.00	80.00	27,302.00
301 OFFICE SUPPLIES	819.30	5,158.15	1,629.00	3,529.15	4,900.00
302 FACILITY MAINTENANCE SUPP	46.98	211.85	100.00	111.85	300.00
303 EQUIPMENT MAINTENANCE SUP	2,533.72	3,909.10	13,331.00	9,421.90-	40,000.00
308 OTHER SUPPLIES	3,077.04	7,147.38	11,399.00	4,251.62-	34,210.00
309 PRINTING & BINDING	2,200.54	5,617.29	17,461.00	11,843.71-	52,395.00
401 COMMUNICATIONS	1,562.36	3,062.59	6,169.00	3,106.41-	18,510.00
402 RENTALS	175.00	875.00	800.00	75.00	2,400.00
403 UTILITIES	983.59	1,942.38	4,391.00	2,448.62-	13,175.00
405 PROF & SCIENTIFIC SERVICE	118,882.59	166,587.02	449,465.00	282,877.98-	1,348,400.00
406 OUTSIDE SERVICES	803.29	4,335.02	4,916.00	580.98-	14,756.00
410 DATA PROCESSING	50.00	2,541.76	3,630.00	1,088.24-	10,900.00
414 REIMBURSEMENTS TO OTHER A	60.00	140.00	118.00	22.00	355.00
501 EQUIPMENT	5,719.65	18,517.78	9,132.00	9,385.78	27,400.00
DIVISION TOTAL	419,774.14	1,073,492.32	1,357,199.00	283,706.68-	4,071,728.00

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 10/31/90

	TOTAL EXPENDITURES 10/01/90 - 10/31/90	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
7000 ENVIRONMENTAL PROTECTION DIV.					
101 7592651422 59E935200012000	702,974.83	2,089,972.81	2,167,835.00	77,862.19-	6,503,541.00
202 PERSONAL TRAVEL	14,532.09	31,149.90	58,158.00	27,008.10-	174,500.00
203 STATE VEHICLE OPERATION	5,439.26	11,080.74	16,999.00	5,918.26-	51,000.00
204 STATE VEHICLE DEPRECIATIO	9,045.00	18,460.00	20,999.00	2,539.00-	63,000.00
301 OFFICE SUPPLIES	6,274.04	11,844.86	11,727.00	117.86	35,200.00
302 FACILITY MAINTENANCE SUPP	24.90	186.54	666.00	479.46-	2,000.00
303 EQUIPMENT MAINTENANCE SUP	1,790.73	3,484.21	3,665.00	180.79-	11,000.00
308 OTHER SUPPLIES	1,422.01	4,115.06	10,078.00	5,962.94-	30,250.00
309 PRINTING & BINDING	690.85	997.45	7,446.00	6,448.55-	22,350.00
312 UNIFORMS & RELATED ITEMS	302.78	387.78	333.00	54.78	1,000.00
401 COMMUNICATIONS	3,250.55	8,561.20	12,549.00	3,987.80-	37,650.00
402 RENTALS	3,545.59	14,327.18	15,732.00	1,404.82-	47,200.00
403 UTILITIES	882.57	2,624.10	4,714.00	2,089.90-	14,145.00
405 PROF & SCIENTIFIC SERVICE	26,220.00	29,860.63	243,365.00	213,504.37-	730,100.00
406 OUTSIDE SERVICES	3,059.29	14,342.86	14,889.00	546.14-	44,675.00
408 ADVERTISING & PUBLICITY	208.30	757.61	1,432.00	674.39-	4,300.00
410 DATA PROCESSING	0.00	22,759.86	47,094.00	24,334.14-	141,300.00
414 REIMBURSEMENTS TO OTHER A	300.00	300.00	1,399.00	1,099.00-	4,200.00
501 EQUIPMENT	40,970.58	70,151.17	72,131.00	1,979.83-	216,400.00
DIVISION TOTAL	820,933.37	2,335,363.96	2,711,211.00	375,847.04-	8,133,811.00

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 10/31/90

	TOTAL EXPENDITURES 10/01/90 - 10/31/90	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
8000 FISH AND WILDLIFE DIVISION					
101 7592651422 59E935200012000	1,251,201.07	3,833,738.00	3,640,969.00	192,769.00	10,922,953.00
202 PERSONAL TRAVEL	23,702.04	82,635.80	120,863.00	38,227.20-	362,625.00
203 STATE VEHICLE OPERATION	70,401.52	134,964.44	169,526.00	34,561.56-	508,622.00
204 STATE VEHICLE DEPRECIATIO	109,105.00	215,835.00	211,176.00	4,659.00	633,550.00
301 OFFICE SUPPLIES	21,802.75	73,724.31	59,552.00	14,172.31	178,693.00
302 FACILITY MAINTENANCE SUPP	15,018.40	64,103.53	116,527.00	52,423.47-	349,623.00
303 EQUIPMENT MAINTENANCE SUP	53,429.68	134,658.17	125,511.00	9,147.17	376,578.00
307 AG.,CONSERVATION & HORT S	22,691.02	90,004.18	109,913.00	19,908.82-	329,762.00
308 OTHER SUPPLIES	19,955.32	48,461.26	32,299.00	16,162.26	96,934.00
309 PRINTING & BINDING	15,396.24	53,814.85	47,289.00	6,525.85	141,876.00
312 UNIFORMS & RELATED ITEMS	2,551.72	7,835.52	33,857.00	26,021.48-	101,600.00
401 COMMUNICATIONS	19,326.86	44,831.64	54,469.00	9,637.36-	163,440.00
402 RENTALS	6,727.30	11,703.29	12,223.00	519.71-	36,675.00
403 UTILITIES	16,820.80	50,875.62	72,784.00	21,908.38-	218,376.00
405 PROF & SCIENTIFIC SERVICE	3,000.00	49,643.25	56,499.00	6,855.75-	169,500.00
406 OUTSIDE SERVICES	12,000.82	35,881.18	50,343.00	14,461.82-	151,066.00
408 ADVERTISING & PUBLICITY	60.49	60.49	350.00	289.51-	1,050.00
410 DATA PROCESSING	0.00	15,463.83	12,666.00	2,797.83	38,000.00
414 REIMBURSEMENTS TO OTHER A	20,591.74	20,591.74	30,000.00	9,408.26-	90,000.00
501 EQUIPMENT	9,407.65	51,126.09	79,844.00	28,717.91-	239,555.00
602 OTHER EXPENSES & OBLIGATI	0.00	600.00	200.00	400.00	600.00
701 LICENSES	0.00	25.00	56.00	31.00-	170.00
DIVISION TOTAL	1,693,190.42	5,020,577.19	5,036,916.00	16,338.81-	15,111,248.00

IOWA DEPARTMENT OF NATURAL RESOURCES
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN
AS OF 10/31/90

	TOTAL EXPENDITURES 10/01/90 - 10/31/90	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
9000 WASTE MANAGEMENT AUTHORITY					
101 7592651422 59E935200012000	57,020.37	158,774.80	158,945.00	170.20-	476,841.00
202 PERSONAL TRAVEL	4,411.82	10,164.68	17,332.00	7,167.32-	52,000.00
301 OFFICE SUPPLIES	207.12	2,685.70	5,831.00	3,145.30-	17,500.00
308 OTHER SUPPLIES	10,904.78	27,289.49	2,332.00	24,957.49	7,000.00
309 PRINTING & BINDING	13,851.25	21,774.25	17,498.00	4,276.25	52,500.00
401 COMMUNICATIONS	9.38	9.38	0.00	9.38	0.00
405 PROF & SCIENTIFIC SERVICE	31,769.46	36,137.50	51,551.00	15,413.50-	154,655.00
406 OUTSIDE SERVICES	594.22	2,253.74	4,731.00	2,477.26-	14,200.00
410 DATA PROCESSING	0.00	594.36	1,465.00	870.64-	4,400.00
414 REIMBURSEMENTS TO OTHER A	5,097.45	5,097.45	4,000.00	1,097.45	12,000.00
501 EQUIPMENT	512.88	8,688.84	4,000.00	4,688.84	12,000.00
DIVISION TOTAL	124,378.73	273,470.19	267,685.00	5,785.19	803,096.00

Mr. Slatterly gave an explanation of the reports.

This was an informational item; no action was required.

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

(Reports are shown on the following 13 pages)

IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT
November 1, 1990

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	SUMMARY OF COMMENTS & RECOMMENDATIONS TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULE EFFECTIVE
1. Ch. 23 - NSPS/NESHAPS	*12/17/90	*1/09/91	*2/ /91	*2/ /91	*3/ /91	*3/ /91	*4/ /91	*5/ /91
2. Ch. 40, 41 & 43 - Water Supply Surface Water Filtration	5/21/90	6/13/90	7/10/90	7/09/90 7/10/90 7/11/90 7/12/90	11/19/90	11/19/90	*12/12/90	*1/16/91
3. Ch. 40 & 42 - Coliform Bacteria Rules	5/21/90	6/13/90	7/10/90	7/09/90 7/10/90 7/11/90 7/12/90	11/19/90	11/19/90	*12/12/90	*1/16/91
4. Ch. 61 - Phase II Water Body Use Designations	8/20/90	9/17/90	10/10/90	10/09/90 10/10/90 10/11/90	11/19/90	11/19/90	*12/12/90	*1/16/91
5. Ch. 63 - Effluent Monitoring Requirements	9/17/90	10/17/90	11/13/90	11/07/90 11/08/90 11/13/90 11/14/90	*12/17/90	*12/17/90	*1/09/91	*2/13/91
6. Ch. 68 - Commercial Cleaning of Private Sewage Disposal Facilities	*12/17/90	*1/09/91	*2/ /91	*2/ /91	*3/ /91	*3/ /91	*4/ /91	*5/ /91
6. Ch. 70-75 - Flood Plain Development Permits	10/15/90	11/14/90	*12/ /90	*12/06/90	*1/14/91	*1/14/91	*2/ /91	*3/ /91
7. Ch. 102 - Financial Assurance/Closure and Post-Closure	*12/17/90	*1/09/91	*2/ /91	*2/ /91	*3/ /91	*3/ /91	*4/ /91	*5/ /91
8. Ch. 109 - Landfill Alternative Grants	*12/17/90	*1/09/91	*2/ /91	*2/ /91	*3/ /91	*3/ /91	*4/ /91	*5/ /91
10. Ch. 121 - Land Application of Sludge	*12/17/90	*1/09/91	*2/ /91	*2/ /91	*3/ /91	*3/ /91	*4/ /91	*5/ /91
11. Ch. 135 - UST Technical Standards	10/15/90	11/14/90	*12/ /	*12/04/90 *12/06/90 *12/07/90	*1/14/91	*1/14/91	*2/ /91	*3/ /91
12. Ch. 135 - UST Technical Standards (New Subrule 135.7(10))(Insolvency)	10/15/90	11/14/90	*12/ /	*12/04/90 *12/06/90 *12/07/90	*1/14/91	*1/14/91	*2/ /91	*3/ /91
13. Ch. 136 - Financial Responsibility for Underground Storage Tanks	10/15/90	11/14/90	*12/ /	*12/04/90 *12/06/90 *12/07/90	*1/14/91	*1/14/91	*2/ /91	*3/ /91

*Projected

MONTHLY VARIANCE REPORT						
Month: October, 1990						
No.	Facility	Program	Engineer	Subject	Decision	Date
1.	Franky Thomas - Pottawattamie County	Air Quality		Trade Waste	Denied	10/03/90
2.	City of Hubbard	Air Quality		Landscape Waste	Denied	10/19/90
3.	Elk Creek Dam - Worth County - IA DNR	Flood Plain		Storm/Storage Capacity	Approved	10/01/90
4.	Shelby County Sanitary Landfill	Solid Waste	Howard R. Green Co.	Groundwater Monitoring	Denied	10/08/90
5.	White Farm Equipment Co.-Div. of Allied Products Corp. - Floyd County	Solid Waste	Howard R. Green Co.	Private Landfill Cover	Denied	10/29/90

TOPIC: Report of Hazardous Conditions

During the period October 1, 1990 through October 31, 1990, reports of 112 hazardous conditions were forwarded to the Central Office. Two incidents are highlighted below. A general summary and count by field office is attached. These do not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Description: Material, Amount, Date of Incident, Cause, Location, Impact	Responsible Party	Response and Corrective Actions
10/23/90 Johnson	On October 23, 1990, an employee at a restaurant dumped a bleach solution down a drain. Lime-Attack had also been dumped down the drain. The chemicals reacted, releasing chlorine gas. The employee was overcome by the fumes. She was admitted to the hospital and treated for respiratory distress.	Country Kitchen 2208 N.Dodge Street Iowa City, Iowa	The area was ventilated and the drain was flushed with water.
10/13/90 Ringgold	On October 13, 1990, a transport overturned releasing less than 100 gallons of propionic acid. The material soaked into the ground but did not reach a waterway.	Farmers' Grain Express Suite 10 5731 Urbandale Ave. Des Moines, Iowa	The product was pumped from the truck, and the spill was contained. The acid was neutralized and the site was flushed with water.

NUMBERS IN PARENTHESES REPRESENT REPORTS FOR THE SAME PERIOD IN FISCAL YEAR 1990

		Substance Type				Mode				
Month	Total # of Incidents	Petroleum Product	Agri. Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
FFY90 Totals	1179	663	228	288	783	21	199	25	19	132
Oct.	112(89)	69(62)	7(10)	36(17)	70(52)	0(3)	25(10)	1(1)	1(1)	15(22)

Total Number Of Incidents Per Field Office This Period: 1/12 2/14 3/9 4/8 5/44 6/25

REPORTS OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of October 1, 1990 through October 31, 1990, the following number of releases from underground storage tanks were identified.

538 (83)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1989.

Enforcement Report Update

Environment

November 1990

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Iowa Falls, City of (2)	Wastewater	MIP	Order	10/01/90
Universal-Rundle Corp., Ottumwa (6)	Air Quality	Construction Without Permit	Order/Penalty	10/01/90
Sun Down Ski Resort, Dubuque (1)	Drinking Water	Monitoring/Reporting-Nitrate	Order/Penalty	10/01/90
Gillett Grove Water Supply (3)	Drinking Water	Public Notice	Amended Order	10/01/90
Blanchard, City of (4)	Drinking Water	Monitoring/Reporting-Bacteria	Amended Order	10/01/90
Onslow, City of (1)	Drinking Water	Monitoring/Reporting-Bacteria & Other Inorganics	Order/Penalty	10/01/90
Coulter, City of (2)	Drinking Water	Construction Without Permit	Order	10/05/90
Latimer, City of (2)	Drinking Water	Construction Without Permit	Order	10/05/90
Stanhope, City of (2)	Drinking Water	Construction Without Permit	Order	10/05/90
American Martyrs Retreat House, Cedar Falls (1)	Drinking Water	Monitoring/Reporting-Bacteria	Order/Penalty Amended Order	10/05/90 10/23/90
Washington Reformed Church, Ackley (2)	Drinking Water	Monitoring/Reporting-Nitrate	Order/Penalty	10/05/90
Modale, City of (4)	Drinking Water	MCL - Bacteria, Operational Violations, Public Notice	Order/Penalty	10/05/90
Odebolt, City of (3)	Drinking Water	MCL - Bacteria, Public Notice	Order/Penalty	10/05/90
Red Oak, City of (4)	Wastewater	Pretreatment	Order	10/11/90
E-Z Strip Corporation, Muscatine (6)	Air Quality	Construction Without Permit	Order/Penalty	10/11/90
Ralston Purina Co., Davenport (6)	Air Quality	Construction Without Permit	Order/Penalty	10/11/90
Lloyd Dunton, Iowa County (6)	Solid Waste	Illegal Disposal	Order/Penalty	10/11/90
Muscatine General Hospital, Muscatine (6)	Air Quality	Construction Without Permit	Order	10/11/90
Roy Long, Knoxville (5)	Solid Waste	Illegal Disposal	Order/Penalty	10/11/90
Lake Creek Country Club, Storm Lake (3)	Drinking Water	Monitoring/Reporting-Bacteria	Order	10/11/90
U.S. Gypsum Company, Des Moines County (6)	Solid Waste	Compliance Schedule	Order	10/15/90
Sun Wise Systems Corp., Sac City (3)	Wastewater	Pretreatment	Referred to AG	10/15/90
Donald Null, Clinton County (6)	Air Quality Solid Waste	Open Burning Illegal Disposal	Referred to AG	10/15/90
Gerald Pregler, Dubuque County (1)	Solid Waste	Illegal Disposal	Referred to AG	10/15/90
United Technologies Automotive, Iowa City (6)	Air Quality	Construction Without Permit	Referred to AG	10/15/90
Ruth Ann Coe, Mason City (2)	Air Quality Solid Waste	Open Burning Illegal Disposal	Referred to AG	10/15/90
Amoco Oil Company, Des Moines and Ames (5)	Underground Tank	Remedial Action	Referred to AG	10/15/90

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Chicago and North Western Transportation Co.; Steve L. Carroll; Susan E. Carroll; Tracy Carroll Richardson; Ronald A. Carroll; and Christina J. Bates, Jefferson Co. (6)	Solid Waste	Illegal Disposal	Order/Penalty	10/17/90
Sageville Elementary School, Dubuque (1)	Drinking Water	Monitoring/Reporting-Bacteria	Order/Penalty	10/17/90
Grand Vu Mobile Park, Tripoli (1)	Drinking Water	Public Notice	Amended Order	10/17/90
Bankston Public Water System (1)	Drinking Water	Public Notice	Amended Order	10/17/90
New Vienna, City of (1)	Wastewater	MIP	Amended Order	10/23/90
Preston, City of (1)	Wastewater	Discharge Limits	Amended Order	10/23/90
Carlisle, City of (5)	Wastewater	Compliance Schedule	Amended Order	10/23/90
Stanwood, City of (6)	Wastewater	Compliance Schedule	Amended Order	10/23/90
Grinnell General Hospital, Grinnell (6)	Air Quality	Compliance Schedule	Order/Penalty	10/23/90
David Hahn d/b/a Waukon Veterinary Service, Waukon (1)	Underground Tank	Monitoring Deficiencies	Order	10/29/90

Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Mt. Joy Mobile Home Park (Davenport)	WS	200	10-04-90
Taylor Oil Co., Inc. (Missouri Valley)	WS	215	10-13-90
Maysville Municipal Water Dept.	WS	200	10-17-90
*Gilbert John Fjone (Swaledale)	SW	150	10-22-90
Gillett Grove Water Supply	WS	100	11-04-90
Castana Municipal Water Supply	WS	230	11-07-90
Nora Springs, City of	WW	600	11-26-90
Cedar Hills Apartments (Dubuque)	WS	700	11-27-90
Onslow Water Supply	WS	325	12-02-90
Vincent Martinez d/b/a Martinez Sewer (Davenport)	HC	1,000	12-04-90
Washington Reformed Church (Ackley)	WS	200	12-10-90
Modale, City of	WS	450	12-13-90
Ralston Purina Company (Davenport)	AQ	1,000	12-16-90
Grinnell General Hospital (Grinnell)	AQ	1,000	12-16-90
E-Z Strip Corporation (Muscatine)	AQ	1,000	12-17-90
Roy Long (Knoxville)	SW	1,000	12-17-90
Lloyd Dunton (Iowa County)	SW	1,000	12-23-90
Odebolt, City of	WS	400	-----
Douglas & Lomason Co. (Red Oak)	WW	1,000	-----
Sageville Elementary School (Dubuque)	WS	145	-----
Chicago & North Western Transportation; Steve L. Carroll; Susan E. Carroll; Tracy Carroll Richardson; Ronald A. Carroll; and Christina J. Bates (Jefferson Co.)	SW	1,000	-----

The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
**Handi-Klasp, Inc. (Webster City)	WW/HC	1,000	8-02-88
McCabe's Supper Club (Burr Oak)	WS	335	12-14-88

*On Payment Schedule

Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
Stan Moser (Hudson)	SW	250	6-27-89
Richard Kleindolph (Muscatine)	SW	200	8-17-89
Robert Fisch (Manchester)	AQ	600	9-01-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89
Darlo Schaap (Sioux Center)	SW	600	1-14-90
Wellendorf Trust (Algona)	AQ/SW	460	2-12-90
Donald P. Ervin (Ft. Dodge)	SW	1,000	3-05-90
East Side Acres (Moville)	WS	200	12-26-89
East Side Acres (Moville)	WS	600	4-01-90
Craig Natvig (Cerro Gordo Co.)	SW	750	6-18-90
Ruth Ann Coe (Mason City)	AQ/SW	800	7-30-90
Amoco Oil Company (Des Moines)	UT	1,000	8-15-90
Gerald G. Pregler (Dubuque Co.)	SW	1,000	9-02-90
Donald R. Null (Clinton Co.)	AQ/SW	1,000	9-06-90

** Independent Attorney General Action

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
AMOCO Oil Co. (Des Moines)	UT	1,000
Iowa City Regency MHP	WW	1,000
Thomas E. Lennon (Barnum)	FP	700
Great Rivers Coop (Atavia)	HC	1,000
1st Iowa State Bank (Albia)	SW	1,000
Cloyd Foland (Decatur)	FP	800
City of Marcus	WS	1,000
Superior-Ideal, Inc. (Oskaloosa)	WW	1,000
IBP, inc. (Columbus Junction)	WW	600
King's Terrace Mobile Home Court (Ames)	WW	1,000
King's Terrace Mobile Home Court (Ames)	WS	315
Premium Standard Farms, Inc. (Boone Co.)	WW/AQ	700
Amoco Oil Co. (West Des Moines)	UT	1,000
Circle Hill Farms, Ltd. (Ellsworth)	SW	600
Cozy Cafe (Lucas)	WS	500
Stone City Iron & Metal Co. (Anamosa)	AQ	1,000
Manson Water Supply	WS	500
Joe Villinger (West Point)	SW	500
Midwest Mining, Inc. (Harrison Co.)	FP	800
Rasch Construction, Inc. (Ft. Dodge)	AQ	1,000
Gerald Reimer (Clayton County)	SW	600
Louisa Courts (Muscatine)	WS	400
Orchard, City of	WW	1,000
Harcourt Water Supply	WS	500
Sioux City, City of	WW	1,000
Donald Ray Maasdam (Pocahontas Co.)	SW	1,000
Vern Starling (Boone Co.)	SW	1,000
Des Moines, City of	HC	1,000
Carl A. Burkhart d/b/a American Wrecking Co.	AQ/SW	1,000
Van Dusen Airport Services (Des Moines)	HC	1,000
Troy Mills Dam Assn. (Troy Mills)	FP	300
Maple Crest Motel and MHP (Mason City)	WS	350
Geneva Grain & Lumber, Inc. (Franklin Co.)	WW/SW	1,000
Plymouth County Solid Waste Agency	SW	1,000
Trash Reduction Systems, Inc. (Polk Co.)	SW	1,000
Oak Manor Mobile Home Court (Ottumwa)	WS	200
HVX, Inc. d/b/a 4-Sons Handy Shop (Grimes)	WS	240
E.J. Rath Inc. d/b/a Happy Chef (Missouri Valley)	WS	650
Universal-Rundle Corp. (Ottumwa)	AQ	1,000

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
St. Ansgar, City of	WW	400
Great Plains Pipeline Construction (Hardin Co.)	WW	400
Dexter, City of	WW	1,000
*Gilbert John Fjone (Swaledale)	SW	50
Vernon Heights Mobile Home Park (Cedar Rapids)	WS	200
South Oaks Estates (Algona)	WS	100
Des Moines, City of	WW	1,000
Holiday Lake Water System Ltd. (Brooklyn)	WS	200
Sun Down Ski Resort (Dubuque)	WS	50
American Martyrs Retreat House (Cedar Falls)	WS	50
TOTAL		$3,450

The $200 penalty assessed to Grand Vu Mobile Home Park (Tripoli) has been rescinded.

The $200 penalty assessed to Bankston Public Water System has been rescinded.

*On Payment Schedule

DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
November 1, 1990

Name, Location and Region Number	New or Updated	Program	Alleged Violation	DNR Action	Status	Date
Aidex Corporation Council Bluffs (4)		Hazardous Waste	Release of Hazardous Substances	Referred to Attorney General	Referred EPA suit filed State intervention Motion to dismiss granted/denied Filed interlocutory appeal Decision in favor of govt. Case Management Hearing	12/16/82 2/26/87 3/05/87 2/26/88 3/11/88 4/04/89 8/08/90
Amoco Oil Company Des Moines/Ames (5)	New	Underground Tank	Remedial Action	Referred to Attorney General	Referred	10/15/90
Amoco Oil Company Des Moines/Ft. Madison (5&6)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	8/21/90
William L. Bown Marshalltown (5)		Solid Waste	Open Dumping	Order/Penalty	Referred Petition Filed Default Judgment	11/20/89 3/03/90 7/27/90
Bridgestone/Firestone, Inc. Des Moines (5)		Wastewater Hazardous Condition	Prohibited Discharge Failure to Notify	Referred to Attorney General	Referred	5/21/90
Brockhouse, Dwight Muscatine (6)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred	9/18/90
Carnicle, Roger d/b/a The New New Shack Tavern Cedar Rapids (1)		Drinking Water	MCL - Bacteria	Referred to Attorney General	Referred	9/18/90
Carolan, Don and Hanson Tire Service, Cresco (1)	Updated	Solid Waste Air Quality	Illegal Disposal Open Burning	Referred to Attorney General	Referred Injunction (Carolan) Injunction/3,000 Penalty(Hanson)	2/20/90 10/02/90 10/02/90
Clear Lake Sanitary District (2)		Wastewater	Compliance Schedule	Referred to Attorney General	Referred Petition Filed	4/16/90 7/30/90
Cerro Gordo County Area Landfill Agency (2)	Updated	Solid Waste	Cover Violations	Referred to	Referred Petition Filed Answer Filed	4/16/90 6/25/90 8/13/90
Chalfant, Milo, et.al. Webster City (2)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Suit Filed	9/20/89 8/08/90
Clinton Pallet Co. Clinton (6)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Suit Filed Default Judgment	6/21/89 11/09/89 4/ /90
Coe, Ruth Ann Mason City (2)	New	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred	10/15/90
Cooper, Kenneth/Hunter Oil Minburn (5)		Storage Tank	Spill Cleanup	Order	Cooper Referred Hunter Referred Site Assessment DNR Review Remediation Plan	8/17/88 2/01/90 4/20/90 8/22/90
Davis, Richard & Sonja (5)		Solid Waste	Open Unpermitted Dumping	Referred to Attorney General	Referred Suit Filed Default Judgement Filed Motion to Deny Default Motion Overruled	6/22/88 8/11/88 4/21/89 6/14/89 10/04/89
Jimmy Dean Meat Co., Inc. (5)		Wastewater	Pretreatment	Referred to Attorney General	Referred	4/16/90
Denham, Larry Ottumwa (6)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred	8/21/90
Des Moines, City of (5)		Wastewater	Operation Violations	Referred to Attorney General	Referred	9/18/90
Dexter Co., The Fairfield (6)		Wastewater	Prohibited Discharge Effluent Limit Discharge	Referred to Attorney General	Referred Petition Filed	3/20/90 7/31/90

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Drewelow, Harvey d/b/a Hanson Tires New Hampton (1)		Air Quality Solid Waste	Open Burning Illegal Disposal	Referred to Attorney General	Referred	6/19/90
Drips, Joseph and Diana vs. DNR		Wastewater	Private Sewage Disposal	Defending	Suit Filed	8/06/90
Eagle Wrecking Co. Pottawattamie Co. (4)		Solid Waste	Open Dumping	Order/Penalty	Referred Bankruptcy Claim Filed	6/21/89 7/24/89
Ervin, Don Webster County (2)	Updated	Solid Waste	Operation Without Permit	Order/Penalty	Referred Motion for Summary Judgment Hearing Held Judgment for $1,000 Execution & Order to Levy	4/16/90 6/02/90 7/02/90 7/13/90 9/28/90
Fairfield, City of (6)		Wastewater	Monitoring/Reporting Discharge Limitations Operation Violation	Order	Referred Petition Filed	2/20/90 7/31/90
Fisch, Robert Manchester (1)		Air Quality	Open Burning	Order/Penalty	Referred Motion for Summary Judgment Judgment for $600	10/24/89 12/05/89 2/27/90
Fjone, Gilbert Swaledale (2)		Solid Waste	Open Dumping	Order/Penalty	Referred Payment Schedule	10/24/89 6/ /90
Giametta, Dominic d/b/a Fred's 66, Davenport (6)		Underground Tank	Remedial Action	Order/Penalty	Referred Petition Filed	12/11/89 7/02/90
Great Dane Ferlizer, Inc. Audubon (4)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	9/18/90
Holnam Northwestern Cement Mason City (2)		Air Quality	Emission Standards	Referred to Attorney General	Referred	8/21/90
Humboldt Co. Landfill Commission (2)		Solid Waste	Cover Violations	Order/Penalty	Referred Petition Filed	11/20/89 8/30/90
IBP, inc. Columbus Junction (6)	New	Wastewater	Prohibited Discharge	Referred to Attorney General	Judicial Review Motion for Stay Resistance of Motion for Stay Hearing on Motion for Stay Ruling on Motion for Stay	10/16/90 10/16/90 10/26/90 10/26/90 10/26/90
Iowa Dress Club, Inc. Oskaloosa (5)		Wastewater Solid Waste	Prohibited Discharge Illegal Disposal	Referred to Attorney General	Referred	7/16/90
Kleindolph, Richard Muscatine (6)	Updated	Solid Waste	Open Dumping	Order/Penalty	Referred Petition Filed Default Judgment Partial Penalty Paid ($300)	10/24/89 4/06/90 8/13/90 9/13/90
Kollbaum, Garry East Side Acres Moville (3)		Drinking Water	MCL-Nitrate	Order/Penalty	Referred Petition Filed	5/21/90 7/02/90
Lakeshore Drive, Inc. et.al. Osceola (5)		Flood Plain	Reconstruction	Order	Referred Petition Filed Judgment vs. Lakeshore	11/20/89 2/07/90 4/09/90
Larson, Daryl, D.V.M. Audubon (4)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	11/20/89
Mathern, Larry (Larry's DX) Ralph Beck; Walker Oil Co. (5)		Underground Tank	Remedial Action	Referred to Attorney General	Referred Petition Filed	2/20/90 7/02/90
Mike McGinnis, Alfred Patten and Dennis Lewis Pottawattamie Co. (4)		Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed	10/24/89 11/15/89
Mercy Hospital Medical Center Des Moines (5)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred	4/16/90
Miller Products Co. (5)		Wastewater	Pretreatment	Order/Penalty	Referred	4/16/90

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Monfort, Inc. (5)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	12/11/89
Moser, Stan	Updated	Solid Waste	Open Dumping	Referred to Attorney General	Referred Petition Filed Trial Set Court Order Contempt Hearing ($500 fine) Contempt Hearing	7/19/89 9/12/89 3/15/90 1/24/90 8/24/90 10/25/90
Natvig, Craig Mason City (2)		Solid Waste	Operation Without Permit	Order/Penalty	Referred	8/21/90
Null, Donald Clinton County (6)	New	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred	10/15/90
Osceola, City of (5)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	4/16/90
Pete's Sunoco/ Popejoy Septic West Des Moines		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	6/19/90
Pregler, Gerald Dubuque County (1)	New	Solid Waste	Illegal Disposal	Order/Penalty	Referred	10/15/90
Pruess v. IDNR		Hazardous Condition	DNR Defendant	Abatement Order	Suit Filed Hearing DNR Motion to Dismiss Hearing Amended Petition DNR Motion to Dismiss Hearing Set Dismissed Appealed to Supreme Court	4/24/90 4/30/90 5/14/90 5/15/90 5/25/90 6/18/90 8/10/90 8/21/90 9/19/90
Root, William/LAWNKEEPERS Mitchell County (2)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	7/16/90
Sani-Wash Corporation Clinton (6)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	8/23/89
Schaap, Darlo Sioux Center (3)		Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed	2/20/90 6/21/90
Schultz, Albert and Iowa Iron Works Ely (1)		Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed	9/20/89 8/08/90
Sevig, Gordon, et.al. Walford (1)		Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Criminal Charges Filed	9/20/89 7/15/90
Siouxland Quality Meat Co., Inc. Sioux City (3)		Wastewater	Discharge Limitations	Referred to Attorney General	Referred Petition Filed	2/20/90 7/02/90
Stickle Enterprises, Ltd. et.al., Cedar Rapids (6)		Air Quality	Open Burning	Referred to Attorney General	Referred Suit Filed Trial Set	9/20/89 10/17/89 10/16/90
Sun Wise Systems Corp. Sac City (3)	New	Wastewater	Pretreatment	Referred to Attorney General	Referred	10/15/90
Swea City Oil Co./Irene Fagerlund, Swea City (2)		Underground Tank	Remedial Action	Referred to Attorney General	Referred	8/21/90
Touchdown Co., et. al., Webster City (2)		Underground Tank	Prohibited Discharge Failure to Report Hazardous Condition	Referred to Attorney General	Referred	6/21/89
United Technologies Automotive Iowa City (6)	New	Air Quality	Construction Without Permit	Referred to Attorney General	Referred	10/15/90

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Wayne, Ringgold and Decatur Co. SW Management Commission (5)		Solid Waste	Monitoring/Reporting	Referred to Attorney General	Referred	9/18/90
Wellendorf Trust and Lamont Wellendorf, Algona (2)		Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred	3/20/90
Witt, John J. Long Grove (6)	Updated	Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed	8/21/90 10/16/90
Wright County Area Landfill Authority (2)		Solid Waste	Cover Violations	Order/Penalty	Referred Petition Filed	3/20/90 5/30/90

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Oelwein Soil Service	Administrative Order	WW	Landa	Hearing continued.
12-03-86	Waukee, City of	Administrative Order	WS	Hansen	Construction completed.
5-12-87	Iowa City Regency MHP	Administrative Order	WW	Hansen	Hearing held 11-03-87.
6-11-87	Thomas Lennon	Administrative Order	FP	Clark	Appealed to District Court.
8-10-87	Great Rivers Co-op	Administrative Order	HC	Landa	Final report approved. Settlement proposed.
1-15-88	First Iowa State Bank	Administrative Order	SW	Kennedy	Awaiting decision.
2-04-88	Beaverdale Heights, Woodsman; Westwood Hills	Administrative Order	WS	Landa	Compliance actions completed.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Landa	Report reviewed. Additional work requested.
3-01-88	Cloyd Foland	Administrative Order	FP	Clark	Court of Appeals decision 10/23/90.
5-16-88	Marcus, City of	Administrative Order	WS	Landa	Compliance achieved. Settlement proposed.
7-01-88	Superior Ideal, Inc.	Administrative Order	WW	Hansen	Hearing continued/settlement discussions.

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7-25-88	Nishna Sanitary Services, Inc.	Permit Conditions	SW	Landa	Compliance initiated/plans submitted/reviewed.
8-03-88	Hardin County	Permit Conditions	SW	Landa	Compliance initiated/plans submitted/reviewed.
10-03-88	IBP, Columbus Junction	Administrative Order	WW	Clark	Appealed to District Court.
10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	HC	Landa	Compliance initiated. Assessment report submitted.
12-02-88	Davis Co. Board of Supervisors	Administrative Order	AQ	Landa	Hearing continued.
1-25-89	Amoco Oil Co. - Des Moines	Administrative Order	UT	Landa	Settlement proposed. Clean-up progressing.
2-10-89	Northwestern States Portland Cement Company	Site Registry	HW	Landa	Settlement proposed.
2-10-89	Baier/Mansheim/Moyer	Site Registry	HW	Landa	Hearing continued. Settlement proposed.
2-13-89	King's Terrace Mobile Home Court	Administrative Order	WW	Murphy	Hearing rescheduled for 12/20/90.
2-13-89	King's Terrace Mobile Home Court	Administrative Order	WS	Murphy	Hearing rescheduled for 12/20/90.
2-16-89	John Deere Co. - Dubuque	Site Registry	HW	Landa	Proposed decision 8/30/90. Appealed.
2-16-89	Premium Standard Farms	Administrative Order	WW/AQ	Murphy	Hearing continued.
3-14-89	Dannie R. Hoover and Bill Edwards	Flood Plain Permit Issuance	FP	Clark	Remand hearing 7/17&20/90.
5-01-89	Amoco Oil Co. - West Des Moines	Administrative Order	UT	Landa	Compliance initiated.
6-08-89	Shaver Road Investments	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-08-89	Jay Winders	Permit Denial	FP	Clark	Settlement proposed.
6-12-89	Amana	Site Registry	HC	Landa	Negotiating before filing.
6-19-89	Grand Mound, City of	Administrative Order	WW	Hansen	Order to be amended.
6-22-89	Chicago & Northwesten Transportation Co. Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	HC	Landa	Hearing held. Briefs filed. Reply briefs filed.

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7-11-89	Circle Hill Farms, Ltd.	Administrative Order	SW	Kennedy	Settlement pending.
7-26-89	Cozy Cafe	Administrative Order	WS	Hansen	Const. permit applic. under review by WS.
7-26-89	Midland Brick	Administrative Order	AQ	Landa	Compliance initiated.
9-01-89	Stone City Iron & Metal	Administrative Order Permit Denial	AQ	Kennedy	Temporary permit issued 5/31/90.
10-12-89	Electro-Coatings, Inc.	Administrative Order	HC	Landa	Settled.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Landa	Negotiation proceeding.
10-24-89	Consumers Cooperative Assoc.	Site Registry	HC	Landa	Negotiation proceeding.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Landa	Hearing continued pending negotiations.
11-17-89	Aten Services, Inc.	Administrative Order	SW/UT	Landa	Compliance initiated.
12-11-89	Leo Schachtner	Permit Issuance	FP	Clark	Hearing continued.
12-21-89	Robert Coppinger and Velma Nehman	Flood Plain Permit Denial	FP	Clark	Proposed decision 5/17/90. Appealed.
1-02-90	Midwest Mining, Inc.	Administrative Order	FP	Clark	Negotiating before filing.
1-04-90	Joe Villinger	Administrative Order	SW	Kennedy	Negotiating before filing.
1-08-90	Northwestern States Portland Cement Co.	Permit Amendment	WW	Landa	Negotiating before filing.
1-18-90	Midwest Fly Ash and Materials	Permit Variance Denial	SW	Landa	Hearing rescheduled for 11/29/90.
2-07-90	Jerry Jones	401 Denial	WW	Murphy	Hearing held; briefs filed 10/16/90.
2-13-90	Kenneth M. Rasch d/b/a Rasch Construction, Inc.	Administrative Order	AQ	Kennedy	Negotiating before filing.
2-15-90	Holiday Lake Water System, Ltd.	Administrative Order	WS	Hansen	Settled. Penalty paid.
3-05-90	Gerald Reimer	Administrative Order	SW	Kennedy	Negotiating before filing.
3-12-90	Louisa Courts	Administrative Order	WS	Hansen	Proposed decision 7/13/90. Appealed to EPC.
3-20-90	Kaneb Pipeline Co.	Administrative Order	HC	Landa	Hearing rescheduled for 12/11/90.
3-22-90	Vern Starling	Administrative Order	SW	Kennedy	Hearing held 10/16/90.

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3-27-90	Orchard, City of	Administrative Order	WW	Hansen	Negotiating before filing.
4-18-90	Harcourt, City of	Administrative Order	WS	Hansen	City has agreed to pay penalty.
4-23-90	Sioux City, City of	Administrative Order	WW	Hansen	Informal meeting held on 5/18/90.
4-26-90	Donald Ray Maasdam	Administrative Order	SW	Kennedy	Appealed to EPC 10/16/90; affirmed.
5-07-90	W.G. Block Co./Hoffman Silo Site	Site Registry	HW	Landa	Hearing continued. Negotiating.
5-08-90	Texaco Inc./Chemplex Company Site	Site Registry	HW	Landa	Hearing set for 8/13/90.
5-09-90	Raccoon Valley State Bank	Administrative Order	HC	Landa	Hearing continued. Negotiating.
5-09-90	Square D Company	Site Registry	HW	Landa	Hearing continued. Negotiating.
5-09-90	Joe & Virgina Koester/ Donn & Donna Patience	Water Use Permit	WR	Clark	Appeal dismissed 10/29/90.
5-11-90	Carl A. Burkhart	Administrative Order	AQ/SW	Kennedy	Briefs due 10/5/90.
5-14-90	Van Dusen Airport Services	Administrative Order	HC	Landa	Compliance initiated.
5-15-90	Des Moines, City of	Administrative Order	HC	Landa	Hearing continued. Settlement proposed.
5-18-90	Latimer, City of	Open Burning Variance	AQ	Landa	Appeal withdrawn/Dismissed.
5-23-90	Solvay Animal Health, Inc.	NPDES Permit Cond.	WW	Hansen	Hearing rescheduled for 11/2/90.
6-06-90	Geneva Grain & Lumber, Inc.	Administrative Order	WW/SW	Kennedy	Negotiating before filing.
6-11-90	Troy Mills Dam Assoc.	Administrative Order	FP	Clark	Negotiating before filing.
6-14-90	Willow Tree Investments, Inc.	Administrative Order	UT	Landa	Negotiating before filing.
6-18-90	Sioux City, City of	NPDES Permit Cond.	WW	Hansen	Negotiating before filing.
6-18-90	Ames, City of	NPDES Permit Cond.	WW	Hansen	Hearing set for 11/28/90.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	Informal meeting set for 8/8/90.
6-26-90	Maple Crest Motel and Mobile Home Park	Administrative Order	WS	Hansen	Negotiating settlement.
7-02-90	Keokuk Savings Bank and Trust Keokuk Coal Gas Site	Site Registry	HW	Landa	Hearing set for 12/18/90.

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7-11-90	Chicago & Northwestern Co.; Steve L. Carroll; Susan E. Carroll; and Tracy A. Carroll	Administrative Order	NR	Kennedy	Hearing set for 11/26/90.
7-23-90	IBP, Dakota City	Administrative Order	WW	Hansen	Negotiating settlement.
7-25-90	Thomas and Arlene Griffin	Water Use Permit	WR	Clark	Hearing set for 11/28/90.
7-26-90	Plymouth County SW Agency	Administrative Order	SW	Kennedy	Negotiating before filing.
7-30-90	Key City Coal Gas Site; Murphy Trust & Howard Pixler	Site Registry	HW	Landa	Hearing set for 12/18/90.
8-01-90	J.I. Case Company	Site Registry	HW	Landa	Sent to DIA.
8-02-90	Trash Reduction Systems, Inc.	Administrative Order	SW	Kennedy	Settled.
8-06-90	Lake Manawa Nissan, Inc.	Administrative Order	UT	Landa	Compliance initiated.
9-06-90	Wilbur Numelin d/b/a Lakeview Enterprises; Carl Hankenson	Administrative Order	UT	Landa	Sent to DIA.
9-10-90	IBP, inc. Columbus Junction	Administrative Order NPDES Permit	WW	Hansen	Hearing set for 12/20/90.
9-12-90	Oak Park Manor MHP	Administrative Order	WS	Kennedy	Sent to DIA.
9-12-90	Michael & Joyce Haws; George H. Gronau	Administrative Order	UT	Landa	Sent to DIA.
9-20-90	Duane Schwarting	Variance Denial	SW	Kennedy	Sent to DIA.
9-24-90	HVX, Inc. d/b/a 4-Son's Handy Shop	Administrative Order	WS	Kennedy	Negotiating before filing.
10-02-90	James Rhoads	Administrative Order	HC	Landa	Negotiating before filing.
10-04-90	Iowa Army Ammunition Plant	Open Burning Variance	AQ	Landa	Hearing set for 12/21/90.
10-05-90	E.J. Rath, Inc. d/b/a Happy Chef	Administrative Order	WS	Kennedy	Negotiating before filing.
10-15-90	Westside General Store Corp.	Administrative Order	UT	Landa	Negotiating before filing.
10-22-90	Universal-Rundle Corp.	Administrative Order	AQ	Murphy	Negotiating before filing.
10-23-90	Chariton Municipal Water Department	Water Use Permit	WS	Clark	Sent to DIA.

Discussion followed regarding the increase in number of reported releases from underground storage tanks.

Margaret Prahl asked how often the Commission is provided a report from the Attorney General's Office.

Chairperson Mohr replied that a report is provided whenever the Commission requests one. It was decided to have a representative from the Attorney General's Office give a report at next month's meeting.

Gary Priebe asked about a specific diesel fuel spill which occurred near his place.

Mr. Stokes reponded that he will check on it and provide the information to Commissioner Priebe.

This was an informational item; no action was required.

REGULATION OF JUNK YARDS AND SCRAP DELAERS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The commission has in previous meetings inquired about the regulation of "junk yards" and "auto salvage yards".

Junk yards and scrap yards are regulated by the Iowa Department of Transportation (DOT) under Chapter 306C Code of Iowa, "Junk yard Beautification". This chapter defines junk, junk yards, interstate highways, and primary highways. This chapter also prohibits establishment, operation or maintenance of a junkyard within 1000 feet of an interstate or primary highway except:

- those which are screened with objects obscuring the view from the highway;

- those located in areas zoned for industrial use;

- those located in unzoned industrial areas;

- those which are not visible from the main traveled portion of the highway.

All junkyards in operation before July 1, 1972 must be screened, if possible, by either the DOT or the owner of the property. Any junkyard which does not conform with 306C is a public nuisance, and the DOT may apply for an injunction to abate any problems arising from the nuisance.

The DOT has adopted rules covering junkyards and scrap yards which are in Chapter 116 of the Iowa Administrative Code, "Junkyard Control". These rules define abandoned or discontinued junkyards, adjacent area, automobile graveyard, industrial activities, industrial zone, main traveled way, right-of-way, unzoned industrial area, and visible. This chapter basically reiterates Chapter 306C of the statute.

Cities and counties may also regulate junk yards and scrap yards through the passage of ordinances and local zoning.

There is a fine line between a junk yard and a dump as far as this department is concerned. If the department believes the junk/scrap yard is in fact a solid waste dump, the junk/scrap yard may be required to provide the department with business records verifying sale of material. If business records do not confirm active and on-going sales of materials the facility could be considered an open dump and dealt with as such. The facility must be able to demonstrate that a current or foreseeable market exists for the salvaged material. It is not permissible to stockpile the salvaged material and wait for a market to develop without a solid waste permit from the department.

All junk/scrap yards which have been determined to be solid waste dumps must either obtain needed permits or close in accordance with the solid waste rules. Disposal of solid waste is regulated by chapter 100-110 of the Iowa Administrative Code.

Legitimate junk/scrap yards must conduct their business in an environmentally sound manner as any other business is obliged to do. Environmental violations at an otherwise legal junk/scrap yard may be acted on by this department. Such violations could include open burning and illegal discharges to waters of the state. Materials left after salvaging operations are considered solid waste and must be properly disposed of in compliance with this department rules.

Mr. Stokes explained regulations governing junk yards and scrap dealers and noted which departments have jurisdiction over them.

This was an informational item; no action was required.

CLEAN AIR ACT AMENDMENTS AND TOXIC AIR POLLUTANTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

In April 1990 the commission was asked to approve a Notice of Intended Action on proposed rules for the control of toxic air pollutants. The commission delayed approval of the notice pending congressional action on reauthorization of the federal Clean Air

Act. The commission further decided to revisit this issue at it's November 1990 meeting if congress did not act on clean air legislation prior to that time. Clean Air Act Amendments have passed Congress and the President is expected to sign them into law. Attached is a summary of the air toxics portion of the Clean Air Act Amendments prepared by the State and Territorial Air Pollution Program Administrators' (STAPPA), a national association of state air quality program administrator's.

The U.S. EPA intends to adopt rules identifying 189 pollutants, classifying and categorizing sources, specifying Maximum Achievable Control Technology (MACT) for various categories of sources, and setting other requirements mandated by the Amendments under the existing National Emission Standards for Hazardous Air Pollutants (NESHAP) program. It is extremely difficult to predict what EPA may be proposing as rules in these various areas. It is virtually impossible to predict what the final rules will require, as the rules as originally proposed will no doubt be modified in response to public comments.

The commission is charged with the responsibility for adopting emission limits and standards relating to maximum quantities of air contaminants that may be emitted from any source. Those standards may not exceed federal standards, however, the commission may adopt a standard for sources for which federal standards have not been promulgated. The commission could proceed to adopt state air toxics regulations where federal standards have yet to be promulgated. Once federal standards are adopted, however, state standards would need to be brought into conformance with those federal standards.

(Air toxics portion of Clean Air Act is shown on the following 6 pages)

AIR TOXICS

Air Toxics -- General Provisions

Pollutant and Source Category Listings

The bill lists 189 chemicals to be regulated, which include the substances in the Administration's proposal, with the exception of ammonia and hydrogen sulfide. EPA may add and delete chemicals from the list; the public may petition EPA to amend the list. In making additions, EPA must consider the threat of adverse human health effects or "adverse environmental effects," defined as "any threat of significant adverse effects...to wildlife, aquatic life or other natural resources, including disruption of local ecosystems, impacts on populations of endangered or threatened species, significant degradation of environmental quality over broad areas, or other comparable effects."

Within one year of enactment, EPA must establish a list of major source categories and subcategories to be regulated.

A major source generally is defined as a stationary source that emits 10 or more tons per year, in the aggregate, of any hazardous air pollutant or 25 or more tons per year of any combination of hazardous air pollutants. EPA may establish a lesser quantity or different criteria (e.g., in the case of radionuclides) for identifying a major source. Area sources are those stationary sources of hazardous air pollutants that are not major sources.

MACT Standards

For each source category, EPA must promulgate emission standards for new and existing sources calling for the installation of Maximum Achievable Control Technology (MACT). For new sources, MACT must be at least as stringent as the controls achieved in practice by the best controlled source in the same category, and may be more stringent when feasible.

For existing sources, MACT may be less stringent than the standards for new sources in the same category, but may not be less stringent than that achieved by the best performing 12 percent of existing units. Determinations of the Lowest Achievable Emission Rate made in the eighteen months prior to the proposal of the standard or 30 months prior to promulgation of the standard (whichever is shorter) are excluded from calculations made to determine the top existing sources. The standards must take into account the impacts on the environment, in addition to effects on human health.

The standards must be established according to the following schedule:

Number of Categories	Deadline for Promulgation
41 (including coke ovens)	within 2 years of enactment
25 percent	within 4 years of enactment
50 percent	within 7 years of enactment
100 percent	within 10 years of enactment.

Existing sources must comply with MACT within three years of promulgation (one-year extensions are available).

Hammer Provision

The bill contains a hammer provision designed to define MACT if EPA fails to promulgate standards by the appropriate deadline.

Voluntary Reductions

Sources that voluntarily reduce emissions by 90 percent below 1987 levels may receive six additional years to comply with MACT.

Residual Risk

EPA must set "residual risk" standards for source categories that, after the installation of MACT, require tighter controls to protect public health with "an ample margin of safety." The residual risk provisions would be triggered if the risk of cancer to the individual in the general population who is most exposed to emissions from a source that emits the pollutant is greater than one in 1,000,000. Once the standards are triggered, the "ample margin of safety" language would apply, consistent with the interpretation of the recent benzene court decision under Section 112. Tighter standards may be adopted if necessary to protect the environment, taking into account cost, energy, safety and other factors. Residual risk standards must be established within eight years after MACT is initially promulgated.

Area Sources

EPA may identify area sources of listed pollutants, along with major sources, that are required to install MACT. EPA must list sufficient area source categories to encompass 90 percent of emissions of the 30 most serious area source pollutants. Sources that present a substantial risk to health, but for which the required control technology is too expensive, may meet alternative controls. EPA must list area source categories within five years of enactment, with regulations to take effect within 10 years.

EPA must monitor a range of toxic pollutants in urban areas with populations greater than 250,000 to identify which area source pollutants present the greatest risk, not limited to carcinogenicity. Within five years of enactment, EPA must propose a national urban air toxics strategy containing specific actions designed to reduce cancer risks from urban sources by 75 percent. The program must be implemented within nine years of enactment. After eight and 10 years, EPA must report on the actions taken under the program to reduce the risk posed by area source emissions.

Permits

Sources subject to the toxics provisions must obtain permits under Title IV of the Act. States whose programs are federally approvable will operate the permit programs.

Radionuclides

EPA need not establish radionuclide standards for facilities licensed by the Nuclear Regulatory Commission (NRC) as long as EPA determines that the NRC program is protective of public health with an ample margin of safety. EPA must rate the NRC programs by rulemaking, category by category. If EPA determines that the NRC program is protective, the facilities must be regulated under the Atomic Energy Act.

Coke Ovens and Utilities

Coke ovens that adopt stringent controls within three years after enactment may be granted an extension to comply with residual risk standards. The bill specifies minimum standards EPA must set to allow extensions of the residual risk compliance period (including 8 percent leaking doors). The bill would allow extensions until 2020, under specific conditions. EPA is required to conduct a joint study with the Department of Energy assessing coke oven emission control technologies. The bill authorizes $5 million from FY 1991 to 1996 for the research program.

EPA must conduct a study of toxic emissions from utilities, including research on mercury. EPA must establish standards, if necessary, based on the studies.

Accidental Releases

The bill authorizes EPA to promulgate accident prevention regulations. EPA must list at least 100 extremely hazardous air pollutants (20 are listed) along with threshold amounts. EPA must establish regulations calling for equipment to detect and control accidental releases. EPA may take additional action to protect public health and welfare, if necessary.

Owners/operators of industrial facilities that handle these extremely hazardous substances must complete an engineering analysis to identify potential public health hazards. The information must be made available to the public. Owners and operators of plants that handle extremely hazardous substances are expected to operate safely and prevent accidental releases.

The bill establishes a Chemical Safety Board, much like the National Transportation Safety Board, to investigate accidents.

Great Lakes

EPA must conduct a study on toxic pollution of the Great Lakes, Lake Champlain, the Chesapeake Bay and coastal waters from atmospheric deposition. Based upon the study, within three years EPA must take action to address this problem, including the effects due to bioaccumulation and indirect exposure pathways. (The term "coastal waters" does not include the Gulf Coast as stipulated in the Outer Continental Shelf provisions).

Mickey Leland Research Center

The bill establishes the Mickey Leland Urban Air Toxics Research Center, located in Texas, designed to study research on, among other things, epidemiology, oncology, and toxicology related to urban air toxics.

Municipal Waste Incinerators

The bill includes provisions to reduce emissions from solid waste incinerators. Unlike the original Senate proposal, the final bill does not address the management of incinerator ash or source separation and recycling. It is expected that ash provisions will be addressed under amendments to the Resource Conservation and Recovery Act.

Standards and Promulgation Schedule

The bill calls for EPA to establish standards for solid waste incinerators that provide maximum reductions in air emissions, taking into account costs, health and environmental impacts, and energy requirements. When establishing standards, EPA may distinguish among classes, types and sizes of units. Standards for new sources must require measures no less stringent than those "achieved in practice by the best controlled similar unit," as determined by EPA. The agency should include siting requirements in its standards. Existing units may install controls less stringent than those of new sources, but the standards may not be less stringent than "the average emissions limitation achieved by the best performing 12 percent of units in the category" except for those that began operating within the last two years and that meet the Lowest Achievable Emission Rate.

Incinerator standards must include opacity numerical emission limits for particulate matter, sulfur dioxide, hydrogen chloride, oxides of nitrogen, carbon monoxide, lead, cadmium, mercury, and dioxins and dibenzofurans. For other pollutants, EPA may identify numerical limits or require monitoring of surrogate substances.

For incinerator provisions, EPA must regulate from a list of 35-40 chemicals, rather than from the entire list of 189 substances identified earlier in the toxics title.

Schedule

EPA must establish air emission standards for municipal solid waste incinerators with capacities greater than 250 tons per day by December 1990; standards are to be modified within 12 months of enactment. Standards for municipal solid waste incinerators with capacities less than or equal to 250 tons per day and for hospital, medical and infectious waste combustors must be established within two years of enactment. Standards for commercial and industrial waste combustors must be proposed within three years of enactment and promulgated within four years. Within 18 months of enactment, EPA must issue a schedule for promulgating standards for other types of solid waste incinerators. Standards are to be reviewed and revised at five-year intervals.

Standards for new sources will be effective within six months of promulgation; existing source standards will be in effect "as expeditiously as practicable" after a state plan has been approved or EPA has promulgated a federal plan, or within five years of promulgation.

Residual Risk

The residual risk provisions in Section 112 of the Clean Air Act -- protecting public health with an ample margin of safety -- will apply to incinerators eight years after the standards have been promulgated, but no sooner than 2003.

Definition of Municipal Waste and Incinerators

"Solid waste" is defined as "refuse (and refuse-derived fuel) collected from the general public and from residential, commercial, institutional, and industrial sources consisting of paper, wood, yard waste, food wastes, plastics, leather, rubber and other combustible materials and non-combustible materials such as metal, glass, and rock." This does not include segregated industrial process or medical wastes. For a facility to be considered a "municipal" incinerator, it must combust a fuel feed stream made up of 30 percent or more, by weight, of municipal waste.

A "solid waste incineration unit" is one that burns any solid waste from commercial or industrial establishments. This does not include units permitted under the Solid Waste Disposal Act; materials-recovery facilities that incinerate waste primarily to recover metals; certain small power production facilities and cogeneration plants that burn homogenous waste to create electric energy or steam; or air curtain incinerators and lumber burners that burn only wood, yard waste and clean lumber.

An incinerator is "new" if the construction or modification began after EPA proposed requirements applicable to the unit. A unit is "modified" when modifications have taken place after the effective date of a standard if (1) the cumulative cost of the modifications exceeds one-half of the original cost of construction and installation (not including land) or (2) the modification is a change in the operation of the facility that increases the amount of an air pollutant for which a standard exists.

Monitoring

Owners/operators must monitor and report the results of monitoring of (1) emissions at the point at which pollutants are emitted into the air or, if appropriate, from the stack, combustion chamber or pollution control equipment; (2) the operation of the incinerator; and (3) the operation of the control equipment. In establishing monitoring regulations, EPA must specify the frequency of monitoring and test methods and reporting requirements.

Training

Within two years of enactment, EPA must issue a model state program for training operators of incinerators or high capacity fossil fuel-fired plants. State programs must be at least as effective as EPA's model. Within three years of the issuance of standards and guidelines for a specific category, any individual who has control over any process that affects emissions from such a unit must have completed a qualified training program.

Permits

Within three years of promulgation of a performance standard for a category of incinerator, any unit in that category must possess a permit under the permitting title to operate. Permits for incinerators may be effective for up to 12 years (notwithstanding any shorter period specified in the permitting title) and must be reviewed every five years thereafter. Before issuing a permit, states may require units to comply with any other limitations or measures that EPA or the state deems necessary to protect public health or the environment.

Mr. Stokes reviewed the history of the proposed rules for air toxic pollutants and provided a detailed explanation of the Clean Air Act Amendments passed by Congress.

Discussion followed.

This was an informational item; no action was required.

PUBLIC PARTICIPATION

Don Ervin

Chairperson Mohr read a written report submitted to her by Don Ervin stating that last month he took in 53,560 tires, shredded 48,000 tires, sold 9,052 tires, shipped 3,080 tires, and has 180,000 tires on hand.

Mr. Ervin asked why the department is allowing 40 million tires to be put in a wet sand mine, and why they do not fall under the same jurisdiction and regulations that his business does.

Mr. Stokes stated that the mine has been inspected by his staff and it is a dry mine which is licensed as a warehouse. It has been used in the past to store pesticides, agricultural chemicals and grain. He added that there is no processing of tires proposed and it is used solely for indoor storage, therefore permits are not needed.

Mr. Ervin showed a promotional videotape from Heartland Industries and related that this process is what he and Heartland Industries are going to do to turn tires into steel, oil, carbon black, and methane gas if DNR permits it.

Mr. Stokes stated that if Mr. Ervin is going to use a new process at his facility he will need new permits.

Discussion followed.

Director Wilson reminded the Commission that Mr. Ervin is present to give a progress report on what he is doing to come into compliance with previously issued Administrative Orders. He added that the written report submitted to Chairperson Mohr was not dated, and the date should be included.

Mr. Stokes reviewed that Mr. Ervin is required to have a Solid Waste Sanitary Disposal Project Permit. He related that the permit Mr. Ervin received clearly spelled out conditions he needed to meet, and the consent order he signed in February allowed 60-90 days for him to get his facility running in accordance with the permit. At this point Mr. Ervin is not in compliance with the consent order he agreed to in February. Mr.

Stokes reiterated that if Mr. Ervin is going to use the new process shown in the videotape that he will need amendments to his Solid Waste Permit and may need Air Quality Permits.

Chairperson Mohr reminded Mr. Ervin that the 90-day extension to reduce his stockpile to 40,000 tires, construct a fence, and put in fire lanes is up by the end of December.

Don Ervin stated that the fire lanes are in and they are reconfiguring all of them, and the fence is partially constructed.

Nancylee Siebenmann asked Mr. Ervin if he will be in compliance by the end of December.

Mr. Ervin responded that he thinks so, but he is not going to lie to the Commission and tell them he will be because he does not know what is going to happen. He added that he thinks everything will be done by the end of December.

Margaret Prahl asked how he proposes to get rid of 140,000 tires by the end of December.

Mr. Ervin responded that he will bring in a portable shredder which will handle 80,000 tires in ten days.

Clark Yeager asked Mr. Stokes to provide a written list to the Commission stating which permits will be required of Mr. Ervin if he decides to use the new process he discussed earlier.

Mr. Stokes stated that he will put together, after discussion with his staff, a precise list as best as can be determined based on their conversations.

Discussion followed.

Mr. Stokes showed a videotape depicting progress made at Mr. Ervin's facility since June. Comparisons were shown as to how the facility looked in June and how it looked last week.

Bill Hager

Bill Hager, Zion Recycling, LaPorte City, Iowa stated that with the yard waste regulations coming into effect in 1991 they purchased a $350,000 grinding machine. He expressed concern with the open burning laws as they are having an effect on his business. He noted that he is hoping for the Commission's cooperation and opinions on modifying this.

NSPS/NESHAPS RULE REVISIONS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following New Source Performance Standards (NSPS) have been promulgated by EPA between January 29, 1988 and December 18, 1989:

1) VOC emissions from petroleum refinery wastewater systems (Subpart QQQ)

2) Magnetic tape coating facilities (Subpart SSS)

3) Polymeric coating of supporting substrates (Subpart VVV)

The following National Emission Standards for Hazardous Air Pollutants (NESHAPS) have been promulgated by EPA between March 19, 1987 and May 2, 1990:

1) Benzene emissions from coke by-product recovery plants (Subpart L).

2) Benzene emissions from benzene storage vessels (Subpart Y).

3) Benzene emissions from benzene transfer operations (Subpart BB).

4) Benzene waste operations (Subpart FF).

There are no known facilities that would be impacted by the NSPS standards in Iowa at this time. One Iowa facility may be subject to the NESHAPS rules.

These NSPS/NESHAPS rules are federally enforceable at this time. Adoption of the rules by IDNR would not impose additional restrictions on industry but merely transfer the authority for enforcing the rules to the state.

The commission will be asked to approve a Notice of Intended Action at their December meeting. This item is for information only at this time.

(Rule is shown on the following 3 pages)

ENVIRONMENTAL PROTECTION COMMISSION [567]
Notice of Intended Action

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 23, "Emission Standards for Contaminants" by proposing to adopt by reference recently promulgated federal regulations pertaining to new source performance standards and emission standards for hazardous air pollutants and by including, as facilities affected by these standards, additional source or pollutant categories.

In order to prevent new air pollution problems, by section 111(b)(1)(A) of the Clean Air Act, the Administrator of the Environmental Protection Agency was required to publish a list of categories of major sources that cause or contribute significantly to air pollution which may reasonably be anticipated to endanger health or welfare. Regulations establishing standards of performance for new sources within each category were promulgated and have been adopted by reference by the department. Each standard of performance establishes allowable emission limitations that reflect the degree of emission limitation which is achievable through the application of the best technological system of continuous emission reduction. These regulations apply only to "new sources," that is, sources, the construction or modification of which is commenced after the proposal date of the individual rule. The rules are adopted by reference by subrule 23.1(2).

Similarly, by section 112 of the Clean Air Act the EPA was required to adopt emission standards for "hazardous air pollutants," those pollutants which cause or contribute to air pollution which may reasonably be anticipated to result in an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness. These standards apply to new and existing sources and are adopted by reference by subrule 23.1(3).

In greater detail, the following amendments are proposed:

Item 1 amends subrule 23.1(2) by including, as federal regulations adopted by reference, those regulations pertaining to 40 C.F.R. part 60 which have been promulgated through December 18, 1989. Part 60 which sets forth federal standards of performance for new stationary sources, is amended by adding the new source categories specified herein and by amending various emission standards, monitoring, reporting, record keeping requirements, and testing methods.

Item 1 further amends subrule 23.1(2) by adding, as facilities specifically affected by the standards of performance for new stationary sources, the following types of facilities: Petroleum Refinery Wastewater Systems, Magnetic Tape Manufacturing Operations, and Polymeric Coating of Supporting Substrates.

Item 2 amends subrule 23.1(3) by including, as federal regulations adopted by reference, those regulations pertaining to 40 C.F.R. part 61 which have been promulgated through May 2, 1990. Part 61, which sets forth emission standards for hazardous air pollutants, is amended by the inclusion of additional regulated activities and source categories. Facilities in these source categories or activities which are affected by this amendment are benzene storage vessels, coke by-product recovery plants, benzene waste operations, and benzene transfer operations.

Any person interested in receiving a copy of the federal regulations proposed to be adopted by reference, may contact the Department of Natural Resources. Copies are available from the department upon request for the cost of reproduction.

Any interested party may file a written statement of position on the subjects covered by the proposed rules no later than February 1, 1991. These written statements should be directed to the Supervisor, Air Quality Section, Department of Natural Resources, 900 East Grand Avenue, Des Moines, Iowa 50319-0034; FAX (515)281-8895. Persons or organizations are also invited to present oral or written comments at a public hearing on these proposed amendments which will be held on January 29, 1991 at 10:30 a.m. in the conference room of the Atlantic Municipal Utilities Building, 15 West Third Street, Atlantic, Iowa; on January 30, 1991 at 11:00 a.m. in Room M-118 of Oakdale Hall, University of Iowa, Oakdale Campus, Oakdale, Iowa (Exit 240, I-80 to Hwy. 965); and on January 31, 1991 at 11:00 a.m. in the east half of the 5th floor conference room of the Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa.

These rules are intended to implement Iowa Code section 455B.133.

The following amendments are proposed.

ITEM 1. Subrule 23.1(2) is amended as follows:

23.1(2) New source performance standards. The federal standards of performance for new stationary sources, as defined in 40 Code of Federal Regulations Part 60 as amended or corrected through ~~January 29, 1988~~ December 18, 1989 are adopted by reference, except 40 CFR § 60.300 through 60.304, and 60.530 through 60.539b, and shall apply to the following affected facilities. The corresponding 40 C.F.R. Part 60 subpart designation is in parentheses. Reference test methods (Appendix A), performance specifications (Appendix B), determination of emission rate change (Appendix C), quality assurance procedures (Appendix F) and the general provisions (Subpart A) of 40 C.F.R. Part 60 also apply to the affected facilities.

Further amend rule 23.1(2) by adding the following paragraphs:

ggg. VOC emissions from petroleum refinery wastewater systems. Each individual drain system, each oil-water separator, and each aggregate facility for which construction, modification or reconstruction is commenced after May 4, 1987. (Subpart QQQ)

hhh. Magnetic tape coating facilities. Unless exempted, each coating operation and each piece of coating mix preparation equipment for which construction, modification, or reconstruction is commenced after January 22, 1986 (Subpart SSS)

iii. Polymeric coating of supporting substrates. Unless exempted, each coating operation and any onsite coating mix preparation equipment used to prepare coatings for the polymeric coating of supporting substrates for which construction, modification, or reconstruction begins after April 30, 1987. (Subpart VVV)

ITEM 2. Subrule 23.1(3) is amended as follows:

23.1(3) Emission standards for hazardous air pollutants. The federal standards for emissions of hazardous air pollutants, 40 Code of Federal Regulations Part 61 as amended through ~~March 19, 1987~~ May 2, 1990, are adopted by reference, except 40 C.F.R. §61.20 to 61.28, §61.90 to 61.98, §61.100 to 61.108, §61.120 to 61.126, and §61.250 to 61.252 and shall apply to the following affected pollutants and facilities and activities listed below. The corresponding 40 C.F.R. Part 61 subpart designation is in parentheses. Reference test methods (Appendix B), compliance status information requirements (Appendix A), quality assurance procedures (Appendix C) and the general provisions (Subpart A) of Part 61 also apply to the affected acitivities or facilities.

Further amend subrule 23.1(3) by adding the following paragraphs:

k. Benzene emissions from coke by-product recovery plants.

Each of the following sources at furnace and foundry coke by-product recovery plants: tar decanters, tar storage tanks, tar-intercepting sumps, flushing-liquor circulation tanks, light-oil sumps, light-oil condensers, light-oil decanters, wash-oil decanters, wash-oil circulation tanks, naphthalene processing, final coolers, final-cooler cooling towers, and the following equipment that are intended to operate in benzene service: pumps, valves, exhausters, pressure relief devices, sampling connection systems, open-ended valves or lines, flanges or other connectors, and control devices or systems required by 40 C.F.R. §61.135.

The provisions of this subpart also apply to benzene storage tanks, BTX storage tanks, light-oil storage tanks, and excess ammonia-liquor storage tanks at furnace coke by-product recovery plants. (Subpart L)

l. Benzene emissions from benzene storage vessels.

Unless exempted, each storage vessel that is storing benzene having a specific gravity within the range of specific gravities specified in ASTM D 836-84 for Industrial Grade Benzene, ASTM D 835-85 for Refined Benzene-485, ASTM D 2359-85a for Refined Benzene-535, and ASTM D 4734-87 for Refined Benzene-545. These specifications are incorporated by reference as specified in 40 C.F.R. §61.18. (Subpart Y)

m. Benzene emissions from benzene transfer operations.

Unless exempted, the total of all loading racks at which benzene is loaded into tank trucks, rail cars, or marine vessels at each benzene production facility and each bulk terminal. (Subpart BB)

n. Benzene waste operations. Unless exempted, the provisions of this subrule apply to owners and operators of chemical manufacturing plants, coke by-product recovery plants, petroleum refineries, and facilities at which waste management units are used to treat, store, or dispose of waste generated by any of these listed facilities. (Subpart FF)

_____

Date

_____

Larry J. Wilson, Director

Mr. Stokes gave an explanation of the proposed rules.

This was an informational item; no action was required.

305B WATER QUALITY REPORT

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The report "Water Quality in Iowa During 1988 and 1989" and the supporting document "Water Quality in Iowa During 1988 and 1989:

Assessment Results" were prepared to satisfy requirements of Section 305(b) of the federal Water Pollution Control Act.

The report provides general descriptions of the status of water quality in Iowa. The supporting document contains detailed information on each of the waters assessed. Iowa streams, lakes, and wetlands designated for fishing and/or swimming-type uses were assessed.

These reports are prepared biennially by all states and territories to inform Congress and the public of progress made toward meeting the objectives of the federal Water Pollution Control Act. The report addresses the following topics:

* status of water quality;

* water quality problems and trends;

* causes and sources of poor water quality;

* activities to assess and restore water quality;

* the effectiveness of pollution control programs;

* waters adversely affected by toxic, conventional, and non-conventional pollutants.

Copies of the report are provided to the commission for their information.

(A copy of the report is on file in the department's Records Center) Mr. Stokes gave a detailed explanation of the report.

Nancylee Siebenmann stated that she is concerned about the chlordane levels in Cedar Lake at Cedar Rapids and she asked if the department should be checking for the source.

Mr. Stokes stated that the department has not been able to get the resources to do the in-depth study and testing, but it should be done.

Discussion followed.

This was an informational item; no action was required.

ANIMAL WASTE CONTROL PROGRAMS COMPARISON

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

An Interim Committee of the Iowa General Assembly is currently engaged in a review of the livestock industry in Iowa from an economic, regulatory and business view. The thrust of the committee's work is to identify ways to maintain and enhance the livestock industry in Iowa. Environmental regulations have, in the past, been alleged to be impediments to the growth of the livestock industry in Iowa, and the reason for relocation of animal feeding operations to other states.

The Department conducted a survey of ten Western and Midwestern states, and prepared a report describing animal waste programs and regulations for pollution control in those states. A comparison was made to Iowa's program and regulations.

The report is being provided to the commission for information.

It will be sent to the Legislative Interim Committee on the Livestock Industry after commission review.

(A copy of the report entitled "Livestock Waste Control Programs of Ten Midwest and Western States" is on file in the department's Records Center).

Mr. Stokes explained the report pointing out differences in programs with the other ten states. He noted that the pork producers and the cattlemen's associations have been provided copies of the draft report.

The Commission felt this was a very interesting report.

This was an informational item; no action was required.

CONSTRUCTION GRANTS DELEGATION AGREEMENT

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The commission is asked to approve a revised delegation agreement with EPA which provides for state administration of the federal construction grant program. The previous agreement expired on October 1, 1990.

This revision extends the life of the agreement for an indefinite period in recognition of the phase-out of the construction grant program. It also updates organization names and regulation references. A final change, requested by EPA, allows for EPA recognition of final State decisions in appeals by grantees. This would mean that the state's final decision can be considered as an EPA decision. This change could potentially reduce time and resources in disputes resolution.

FY 1990 is the last year for grant program funding. It is projected, however, that administration of grants in process will continue through 1995.

(Agreement is shown on the following 5 pages)

AMENDMENT NO. 1
TO
CONSTRUCTION MANAGEMENT ASSISTANCE PROGRAM
DELEGATION AGREEMENT
BETWEEN THE
IOWA DEPARTMENT OF NATURAL RESOURCES
AND THE
U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION VII

The purposes of this amendment to the Agreement dated October 9, 1985, are to: (1) amend the name of the state organization which is a party to the Agreement and make other miscellaneous revisions relating to the state organization; (2) make certain changes to the provisions in the Agreement which describe the state's decision review process so that process may be substituted for a review by the EPA dispute decision official; and (3) extend the term of the Agreement.

I. Agency Identification and Organization

A. The state agency previously known as the Iowa Department of Water, Air and Waste Management has been reorganized and made part of an agency called the Iowa Department of Natural Resources. Therefore, wherever in this Delegation Agreement reference is made to the Iowa Department of Water, Air and Waste Management (IDWAWM), it shall be understood to mean the Iowa Department of Natural Resources (IDNR). Wherever reference is made to the Executive Director, it shall be understood to mean the Director.

B. Section VI of the Delegation Agreement is superseded by the following revised provisions.

VI. Organization

Communications which relate to the topics contained in this Agreement will take place through the program officers listed below. Communication necessary to manage the program on a routine basis at the project level will take place between the appropriate individuals within the Water Management Division, Region VII, EPA, and the IDNR.

IDNR: Chief, Surface and Groundwater Protection Bureau
Iowa Department of Natural Resources
900 East Grand
Des Moines, IA 50319

EPA: Director, Water Management Division
U.S. Environmental Protection Agency
Region VII
726 Minnesota Avenue
Kansas City, Kansas 66101

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The State of Iowa is represented in this Agreement by the Department of Natural Resources. The organizational unit within the Department of Natural Resources which is responsible for the management of construction grant related activities under this Agreement is the Surface and Groundwater Protection Bureau.

Included in the scope of this Agreement is an Organization Resource Analysis prepared by the IDNR. The purpose of this Analysis is to describe the existing organizational structure and the existing and future manpower needs of the IDNR relative to the scope of its authority under this Agreement. The Analysis is contained in Appendix B. Organization and function statements are included in Appendix C.

C. Appendix C to the Delegation Agreement is superseded by the attached revised Appendix C.

II. Right of Review and Appeal

Delete the last sentence of Section XXII, subsection B.4., of this Delegation Agreement.

Delete subsections C and D from Section XXII, and insert the following in lieu thereof. This revision will permit review of state decisions as conducted by the state to take the place of review by the Environmental Protection Agency Dispute Decision Official, as provided by 40 CFR 35.3030.

C. Final State Determination

Receipt of requests for review will be promptly acknowledged, generally in writing.

Notice of the IDNR's final determination after review shall be provided to the applicant or grantee within 45 days of receipt of the petition by the IDNR unless for good cause a longer period of review is required. The final determination letter will be signed by the Director, Iowa Department of Natural Resources, and will contain:

(1) A concise statement of the decision and rationale for the decision.

(2) Citation of supporting statutory, regulatory and policy document references used in making the decision.

(3) The following language:

> This constitutes a final state determination, which by delegation is considered an EPA Disputes Decision Official's decision, under 40 CFR Part 31, subpart F and 40 CFR §35.3030.

This decision will be final and conclusive unless a written request for review is submitted to the Regional Administrator, EPA, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101, by registered mail, return receipt requested, within 30 calendar days of this decision.

Your request for review must include:

(a) A copy of this decision letter;
(b) A statement of the amount in dispute;
(c) A description of the issues involved; and
(d) A concise statement of your objections to the final decision.

The following standard paragraph will be used with the "final determination letter" if the state dispute decision official determines that money is due and payable from a disputing party to EPA:

Pursuant to 40 CFR §31.52, if the ($ dollar amount owed) is not repaid to the Environmental Protection Agency within 30 days of the date of this final determination letter, interest on that amount is due from the date of this letter at a rate established by the Secretary of Treasury in accordance with the Treasury Fiscal Requirements Manual 6-8020.20. The current rate of interest is ____%. Payment should be mailed to the EPA at the following address:

U.S. Environmental Protection Agency
Regional VII
P. O. box 3607498M
Pittsburgh, PA 15251

Please put your project grant number on the payment for identification purposes.

(The current interest rate can be obtained by contacting EPA Grants Administration.)

D. The state will maintain adequate logs of such requests for review to ensure that they are handled in a timely fashion. Complete records of all correspondence, meetings and telephone calls will be maintained to document the course of events in the event of appeal to the EPA Regional Administrator.

E. The grant applicant or grantee may request the Regional Administrator review of IDNR action or omission 45 days after petitioning the state if there is no response; and may request a Regional Administrator review within 30 days after IDNR's final determination and

receipt thereof by petitioner. The Regional Administrator will provide a written determination to the petitioner, including notification of the right to appeal under Part 31, and will furnish a copy to the state.

III. **Term of the Agreement**

Section XXI.B. of the Agreement is superseded by the following revised provisions.

B. This Agreement is intended to continue in effect from year to year. It is the intent of both parties that the state will retain the authorities delegated under this Agreement throughout the life of the construction grants program, until all the projects funded thereunder have been completed, audited as appropriate, and closed out.

IV. **Effective Date**

The effective date of this amendment is October 1, 1990; the date of filing with the Iowa Secretary of State, or the date of approval by the Iowa Attorney General, whichever is last.

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION VII

for William Rice
Morris Kay
Regional Administrator

9/20/90
Date

IOWA DEPARTMENT OF NATURAL RESOURCES

Larry Wilson
Director

Date

Chairman, Environmental
Protection Commission

Date

Approved as to Form:

State Attorney General Date

APPENDIX C

ORGANIZATIONAL AND FUNCTIONAL STATEMENTS

Administration of the construction grants program will be accomplished by the Surface and Groundwater Protection Bureau within the Environmental Protection Division of the Iowa Department of Natural Resources. The Bureau consists of a Bureau Chief, Section Supervisor, and technical staff. Intra-agency support will be provided as necessary.

Bureau Chief

The Chief of the Surface and Groundwater Protection Bureau supervises all water quality programs including the associated permitting activities of the department as well as the construction grant program. He provides the general direction for program policy and is the program officer for this Agreement. He maintains coordination with U.S. EPA officials and DNR Administration.

Section Supervisor

The Wastewater Permit Section Supervisor is responsible for directing and coordinating the statewide construction grants program. He does this by supervising the development of state procedures and staff necessary to implement the provisions of this Agreement.

Technical Staff

The technical staff will be responsible for the state's management of projects through the grant process. It will review the facility plans, and plans and specifications for conformance with good engineering practices and program policy. It will manage projects for conformance with program requirements contained in supplements to this Agreement.

Administrative Group

Administrative staff within the Budget and Grants Bureau will process all non-technical documentation for grant projects including grant offer preparation, grant amendments, payments, project recordkeeping and priority list maintenance. This group will work closely with technical staff as support to assure good project management.

Intra-agency Support

The department will provide other staff as necessary to assure continuity and consistency for the grant program. Resources within the Water Quality Planning Section will provide program support necessary for state rule development including construction grant priority systems and state design criteria as well as water quality standards revisions and wasteload allocations. The Field Evaluation and Emergency Response Bureau will provide liaison through its regional offices.

Mr. Stokes explained the agreement with EPA which provides for state administration of the federal program.

Motion was made by Richard Hartsuck to approve the Construction Grants Delegation Agreement with EPA as presented. Seconded by Clark Yeager. Motion carried unanimously.

APPOINTMENT - TOM HENDERSON

Tom Henderson, Attorney representing the City of Grimes, addressed the Commission stating that the Des Moines Area Solid Waste Agency has filed an application with DNR for a compost facility. He noted that Larry Wilson and staff appeared before the City of Grimes at a public hearing last month and they did an excellent job. Mr. Henderson related that Director Wilson has agreed to do an environmental assessment of the site before granting a permit and to provide him with a copy of the report. He thanked the Commission for their interest in the facility and complimented Director Wilson and staff for their cooperation.

STATE REVOLVING FUND - INTENDED USE PLAN

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The commission is requested to authorize a public hearing on the proposed Intended Use Plan for the fiscal year 1991.

The Intended Use Plan (IUP) is the initial step in preparing a grant request for federal funding of the State Revolving Loan Fund for Sewage Treatment Works. This program provides communities with lowest interest loans for upgrading wastewater treatment plants. The IUP describes the priorities and uses of the loan fund on a federal fiscal year basis.

Opportunity for public input to this plan is required. The commission was given a draft plan as an information item at their October meeting. This IUP includes projects that were not in the initial draft. Project applications have been received since the first draft was prepared and sufficient funds are projected to be available to fund these additional projects.

If approved, a hearing will be scheduled in December to be held in Des Moines. The proposed final IUP will be presented to the commission for approval in January 1991.

(Plan is shown on the following 14 1/2 pages)

PROPOSED
STATE REVOLVING FUND INTENDED USE PLAN
FOR THE STATE OF IOWA
FISCAL YEAR 1991

Submitted to the
U.S. Environmental Protection Agency
Region 7

By the
Iowa Department of Natural Resources

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I. INTRODUCTION

The State of Iowa herewith submits its Intended Use Plan (IUP) for all funds available in the State Revolving Fund (SRF) during Fiscal Year (FY) 1991. This plan is based on receiving a capitalization grant from the FY 1991 Title VI funds appropriated by the U.S. Congress for the Iowa State Revolving Fund. In addition, the FY 1990 SRF will include the State's required 20% match for this grant. These funds will be added to the SRF funds provided in FY 1989 and 1990.

II. SRF FUNDS

This Intended Use Plan is based upon federal funds anticipated to become available for FY 1991 by Congressional appropriation. The Clean Water Act authorized program funding at $1.2 billion nationally for each of 1989 and 1990. The FY 1991 authorization was $2.4 billion. Until an appropriation is made for FY 1991 and an allotment designated for Iowa, the Intended Use Plan will project an allotment for FY 1991 relative to the FY 1990 actual allotment in the same ratio of the national authorizations by the Clean Water Act. This projection shows a potential capitalization grant of $26,408,844 available to Iowa in FY 1991. The 20% state match of $5,281,769 could provide an addition of $31,690,631 to the SRF for FY 1991.

Whether the state requests the full capitalization grant and provides the relative state matching funds may depend on the demand and number of loan applications.

III. LIST OF PROJECTS

The management of the state's revolving fund loan program including the development of a priority list of projects for loan assistance has been proposed according to DNR rules 567--92 (455B). With added FY 1991 funds along with the $15.85 million FY 1990 funds, it is Iowa's intention to assist nineteen new projects in addition to the fifteen remaining projects identified on the FY 1990 IUP as well as fund the administration of the SRF program. There is no intention to fund (Section 319) nonpoint source projects or (Section 320) estuarine projects in FY 1991 as permitted by Title VI of the Clean Water Act. No projects for municipalities which appear on the National Municipal Policy (NMP) List have been placed on the Loan List for proposed loan assistance to meet "first use" requirements of the Clean Water Act. Projects identified for assistance in the FY 1990 IUP are shown in Chart 1 Part 1.

The total loan needs of all applications submitted by the July 1, 1990 deadline in DNR rules did not exceed the revolving fund that could be provided by the actual FY 1991 allotment of federal funds. Therefore, all applications submitted by July 1, 1990 were listed as proposed loan recipients on Chart 1 Part 2. Applications received after July 1, 1990, through the date of the public hearing on this Intended Use Plan were also considered for inclusion on the list of recipients for FY 1991 loan assistance. These applicants are listed on Chart 1 Part 2 in priority order following those applications received by July 1,

1990. All applicants will be offered loan assistance subject to meeting program requirements.

The state expects to apply for a capitalization grant for the entire allotment. Initially, EPA would provide a letter of credit for the identified needs shown in Chart 1. Should the capitalization grant allow for additional projects to be identified and funded in the future, the state will consider providing the necessary matching funds to allow such assistance. EPA would then increase the letter of credit as necessary.

Based on the environmental reviews that have been conducted on the proposed Section 212 projects to date, it is not anticipated that any of these projects will need to undergo development of an Environmental Impact Statement (EIS).

Priority Projects

The Clean Water Act requires that the capitalization grant and the state match funds are first to be used to assure maintenance of progress toward compliance with enforceable deadlines, goals and requirements of the Act, including the municipal compliance deadline. EPA has determined that this first-use has been met when all municipalities on the NMP list are in compliance, on an enforceable schedule, have an enforcement action filed, or have a funding commitment by the end of the year covered by the IUP. This is a onetime determination.

An analysis made of Iowa's NMP municipalities in FY 1989 determined that all have met one of the above criteria. Therefore, Iowa assures maintenance of progress toward compliance with enforceable deadlines, goals, and requirements of the Clean Water Act as expected by Title VI.

To determine which wastewater treatment facility projects should be funded by the SRF, the FY 1991 Project Priority List (PPL) prepared under state rule was reviewed, and the highest priority projects expected to be able to take advantage of SRF funds within the time frame allowed by state rule IAC 567--92 for FY 1991 were identified (see Chart 1, Parts 1 and 2). There are nineteen projects identified for loan assistance for FY 1991, in addition to fifteen identified for FY 1990. These projects appear on Chart 1 by fiscal year in the order of their ranking as described above on the priority list. No nonpoint source projects (Section 319) or estuarine projects (Section 320) have been proposed for funding from the SRF.

In the event that projects identified for funding in the IUP do not attain readiness for a loan commitment by August 31, 1991, these delayed projects may be bypassed. Other projects may be added to a contingency list (Chart 2) to be funded based on the state's implementing rules for the SRF program (see IAC 567-92). Consideration of the by-pass projects will occur in August of 1991 by the Department of Natural Resources.

This IUP may be amended as allowed by DNR rules and Section VII of this plan. Because applications received total less than what may be available for Iowa's SRF, the state may consider adding projects to the FY 1991 list (Chart 1 Part 2), should applications be received. Should insufficient funds be available in the SRF to fund all projects listed in Chart 1, projects will be removed from the bottom of the list as necessary and placed on the Contingency List.

Funds reserved for administration costs of the SRF program are shown in Chart 1, Part 3. A reserve for water quality management planning as required by Title VI of the Clean Water Act will be set aside from Iowa's FY 1991 Title VI allotment and granted to the state for this purpose separately from the SRF. This reserve does not appear in this IUP.

IV. LONG-TERM AND SHORT-TERM GOAL STATEMENTS

A. Long-Term Goals

1. Protect the environment, and public health and welfare by ensuring state water quality standards are achieved and maintained; and that waters of the state are not degraded by improperly or inadequately treated municipal wastewaters, or nonpoint pollution sources.

2. Establish a perpetual program to provide financial assistance to communities for the purpose of constructing facilities to properly and adequately treat municipal wastewaters, or abate and control nonpoint pollution sources.

3. Provide a financial assistance program, in the form of loans, which are competitive with private financing options available to communities while assuring the perpetual nature of the program.

4. Allocate financial assistance in a priority manner based upon water quality impacts of the proposed projects.

5. Establish program requirements which are simple, understandable, applicable to all projects, and to the fullest extent possible are not burdensome to the recipients of assistance.

6. Establish mechanisms for funding the on-going administration of the program once federal funding stops.

B. Short-term Goals (to be implemented in FY 1991)

1. Administer the State Revolving Loan Program consistent with federal statute, regulation and guidance; and in accordance with state law and promulgated rules.

2. Commit loan funds to fully fund as many communities as possible in accordance with the state priority rating system, this

Intended Use Plan, and available funding in order to assist in the construction of the highest water quality impact projects.

3. Commit 120% of federal capitalization grant funding available this federal fiscal year.

4. Provide state funds through bonding in the amount required to provide the 20% match for available federal allotments in FY 1991.

V. INFORMATION ON THE SRF ACTIVITIES TO BE SUPPORTED

A. Allocation of Funds

Allocation of funds to eligible projects was based on a three-step process:

The amount of financial assistance needed for each application was estimated;

The sources and spending limits for all FY 1991 SRF funds were identified; and

The SRF funds were allocated among the projects, consistent with the amount available and the financial assistance needed.

Information pertinent to each SRF project is contained in Chart 1, pursuant to Section 606(c)(3) of the CWA.

B. SRF Policies

Loan Interest Rate

The interest rate for all loans made from the SRF in FY 1991 will be determined in accordance with state rules and based upon the State's costs for generating required matching funds via bonding (see IAC 567--92.11). Interest rates for projects identified for different fiscal years may vary.

C. Administrative Costs of the SRF

Iowa intends to use SRF funds equivalent to 4% of the Federal capitalization grant funds to pay the costs of administering the State Revolving Fund loan program. Based on the estimated allotment to Iowa from the estimated FY 1991 Title VI appropriation, the State could have $1,056,354 available from the FY 1991 capitalization grant for administrative support in managing and operating the SRF program. However, the $741,000 shown on Chart 1, Part 3 and Chart 3 is based on the portion of the available capitalization grant needed for loan applications received to date. A commitment of $510,626 from FY 1989 funds and $528,177 from FY 1990 funds has already been made.

The annual budget for program administration may be less than the 4% allowed by the Clean Water Act for administrative costs. Unused commitments will be reserved for use in later years as necessary.

VI. ASSURANCES AND SPECIFIC PROPOSALS

Iowa will provide the necessary assurances and certifications as part of an Operating Agreement between the State of Iowa and the U.S. EPA. Iowa's Operating Agreement includes the requirements of the following sections of the law:

- 602(a) - Environmental Reviews
  The State of Iowa will conduct environmental reviews as specified in the Project Review Procedures attached to the Operating Agreement.

- 602(b)(3) - Binding Commitments
  The State of Iowa will enter into binding commitments for 120% of each quarterly payment within 1 year of receipt of that payment.

- 602(b)(4) - Expeditious and Timely Expenditures
  The State of Iowa will expend all funds in the SRF in a timely and expeditious manner.

- 602(b)(5) - First Use for Enforceable Requirements
  The State of Iowa will assure maintenance of progress toward enforceable deadlines, goals and requirements of the CWA, including the municipal compliance deadline. Maintenance of progress is defined in EPA guidance for the SRF program.

- 602(b)(6) - Compliance with Title II Requirements
  The State of Iowa agrees to meet the specific statutory requirements for public owned wastewater projects constructed in whole or in part before FY 1995 with funds directly made available by Federal capitalization grants.

Iowa will meet equivalency requirements using Title II procedures, as included in the State's Construction Grant Delegation Agreement with EPA. State rules require that all Section 212 projects funded under Title VI of the Clean Water Act will meet the Title II requirements specified in Title VI.

VII. CRITERIA AND METHOD FOR DISTRIBUTION OF FUNDS

The following approach was used to develop Iowa's proposed distribution of SRF funds: (1) analysis of the priority communities and financial assistance needed; (2) identification of the sources and spending limits of available funds; (3) allocation of funds among projects; (4) development of a payment schedule which will provide for making timely binding commitments to the projects selected for SRF assistance; and (5) development of a disbursement schedule to pay the project costs as incurred.

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A. Priority of Communities and Financial Assistance Needed

Iowa law provides only for loan assistance. The state's SRF rules identify the priority rating system used to establish priorities for loan assistance.

Projects were considered only for loan financing assistance for project costs incurred after a loan commitment. Refinancing is not being considered in FY 1991. Refinancing in the context of the SRF program is considered to be providing loan assistance to projects or portions of projects which have already incurred costs at the time of the loan agreement.

B. Allocation of Funds Among Projects

Once the total amount of funds and spending limits were identified, Chart 3 was prepared showing the amount needed by quarter to meet the binding commitment of each project. These amounts were summarized by quarter and the totals are shown at the bottom of the columns.

Since it was not necessary to provide loan funding to any project to meet the federal "first use" requirement, all projects listed in Chart 1 may be funded from the SRF.

All projects scheduled for funding with Iowa's SRF will be reviewed for consistency with appropriate plans developed under sections 205(j), 208, 303(e), 319 and 320 of the Clean Water Act, as amended. Evidence of this review and finding of consistency will be documented in each SRF project file. Should a project fail to meet this review criteria it may be bypassed as allowed by State rules. Chart 2 provides for contingency projects which may be considered for loan assistance as bypass projects according to state rules without formal amendment of this intended use plan. Projects may be added to Chart 2 in priority order as applications are received.

VIII. METHOD OF AMENDMENT OF THE INTENDED USE PLAN

This intended use plan will be followed by the State in administering SRF funds in FY 1991. Public participation in the development of the IUP is required by EPA. Any revisions of the goals, policies and method of distribution of funds, including the list of loan projects, must be addressed by a revision of the IUP including opportunity for public participation. Minor adjustments in funding schedules, loan amounts and use of bypass provisions including funding of projects on the contingency list are allowed by the procedures of this IUP and state rules for administration of the SRF without public notification.

IX. PUBLIC REVIEW AND COMMENT
(Reserved)

(WWPI266P06.01/bkp/271-90)

Chart 1: FY 91 Intended Use Plan Project - Specific Information

Chart 1 Part 1: FY 90 Section 212 Publicly Owned Treatment Works (POTW) Projects

Project Name Community Served	Project Number	Discharge Requirements			Need Categories	Assistant Amount ($1000)	Binding Commitment Date	Construction Start Date	Initiate Operation Date
		BOD	TSS	Other					
Des Moines ICA	192001-02	25	30	5.5 NH_3	IVB	9190	11/90	3/91	3/92
Oskaloosa	192007-02	25	30	8.0 NH_3	II	189	11/90	3/91	3/92
Perry	192008-01	25	30	2.3 NH_3	I	589	12/90	4/92	1/94
Adel	192009-01	25	30		IVB	594	11/90	2/91	2/92
Dows	192010-01	25	30		I	295	11/90	3/91	3/92
Martensdale	192011-01	25	30		I	240	11/90	11/90	12/90
Preston	192012-01	25	30		IVB,I	490	11/90	4/91	4/92
Van Meter	192013-01	25	30		IVB,I	403	11/90	3/91	3/92
Brandon	192014-01	25	30		II	122	11/90	3/91	3/91
Stanwood	192015-01	25	30		II	294	12/90	3/91	3/92
Carlisle	192016-01	25	30		II	901	2/91	5/91	5/92
Independence	192017-01	25	30		IVB	964	11/90	3/91	3/92
LeGrand	192018-01	25	30		I	450	12/90	5/91	5/92
Grand Mound	192019-01	25	30		I	260	11/90	4/91	4/92
Camanche	192020-01	25	30		I	336	12/90	12/90	12/91

Part 1 Total: 15,317

Chart 1 Part 2: FY 91 Section 212 Publicly Owned Treatment Works (POTW) Projects

Project Name Community Served	Project Number	Discharge Requirements			Need Categories	Assistant Amount ($1000)	Binding Commitment Date	Construction Start Date	Initiate Operation Date
		BOD	TSS	Other					
Perry	192008-02	25	30		I	4000	6/91	4/92	1/94
Indianola	192021-01	25	30		I, IVB	1103	5/91	5/91	5/92
Mason City	192022-01	25	30		II	3100	6/91	10/91	10/92
Independence	192017-02	25	30		IVB	372	6/91	5/91	3/92
New Hampton	192023-01	25	30		I	1142	6/91	6/91	12/91
Kanawha	192024-01	25	80		I	232	6/91	5/91	3/92
Nora Springs	192025-01	25	30		I	100	6/91	8/91	3/92
Marengo	192026-01	25	80		I	360	6/91	10/91	6/92
Stratford	192027-01	25	80		I, IVB	778	6/91	5/91	12/91
Central City	192028-01	25	30		I	670	6/91	5/91	5/92
Orchard	192029-01	25	80		I	265	6/91	7/91	12/91
Ankeny	192030-01	25	30		IVB	965	6/91	10/91	10/92
Agency	192031-01	25	30		I	110	6/91	4/91	6/92
Coralville	192032-01	25	30		I	3500	6/91	10-91	10/92
Hawarden	192033-01	25	30		I	98	6/91	8/91	8/92
Woodbine	192034-01	25	80		I	149	6/91	8/91	8/92
Knoxville	192035-01	25	30		IVB	1270	6/91	8/91	8/92
Clinton	192036-01	25	30		I	2964	6/91	8/91	10/92
Lockridge	192037-01	25	80		I,IVA	305	6/91	8/91	9/92

Part 2 Total: 21,483

Chart 1 Part 3: Section 603(d)(7) Program Administration

Project Name Community Served	Project Number	Discharge Requirements			Need Categories	Assistant Amount ($1000)	Binding Commitment Date	Construction Start Date	Initiate Operation Date
		BOD	TSS	Other					
PGM-ADM (89)		NA	NA	NA	NA	349	5/89	NA	NA
PGM-ADM (90)		NA	NA	NA	NA	528	6/90	NA	NA
PGM-ADM (91)		NA	NA	NA	NA	741	5/91	NA	NA

Part 3 Total: 1618

FY GRAND TOTAL: 38418

Key to Need Categories

I. Secondary Treatment
II. Treatment more stringent than secondary
IIIA. Infiltration/Inflow correction
IIIB. Major sewer system rehabilitation
IVA. New collectors and appurtenances
IVB. New interceptors and appurtenances
V. Correction of combined sewers

Chart 2: FY90 Intended Use Plan Contingency Projects - Specific Information

Project Name Community Served	Project Number	Discharge Requirements			Need Categories	Assistant Amount ($1000)	Binding Commitment Date	Construction Start Date	Initiate Operation Date
		BOD	TSS	Other					

Key to Need Categories

I. Secondary Treatment
II. Treatment more stringent than secondary
IIIA. Infiltration/Inflow correction
IIIB. Major sewer system rehabilitation
IVA. New collectors and appurtenances
IVB. New interceptors and appurtenances
V. Correction of combined sewers

Chart 3: Loan List - Projected Binding Commitments by Quarter

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Project Name: Community Serve	Project Number	BINDING COMMITMENT								
		Prior Year	Fiscal Year 1991				Fiscal Year 1992			
			QTR 1	QTR 2	QTR 3	QTR 4	QTR 1	QTR 2	QTR 3	QTR 4
FY90 - Section 212 POTW Projects										
Des Moines ICA	192001-02		9190							
Oskaloosa	192007-02		189							
Perry	192008-01			589						
Adel	192009-01		594							
Dows	192010-01		295							
Martensdale	192011-01		240							
Preston	192012-01		490							
Van Meter	192013-01		403							
Brandon	192014-01			122						
Stanwood	192015-01		294							
Carlisle	192016-01			901						
Independence	192017-01		964							
LeGrand	192018-01		450							
Grand Mound	192019-01		260							
Camanche	192020-01		336							

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Chart 3 (continued)

Project Name: Community Serve	Project Number	BINDING COMMITMENT								
		Prior Year	Fiscal Year 1991				Fiscal Year 1992			
			QTR 1	QTR 2	QTR 3	QTR 4	QTR 1	QTR 2	QTR 3	QTR 4
FY91 - Section 212 POTW Projects										
Perry	192008-02				4000					
Indianola	192021-01				1103					
Mason City	192022-01				3100					
Independence	192017-02				372					
New Hampton	192023-01				1142					
Kanawha	192024-01				232					
Nora Springs	192025-01				100					
Marengo	192026-01				360					
Stratford	192027-01				778					
Central City	192028-01				670					
Orchard	192029-01				265					
Ankeny	192030-01				965					
Agency	192031-01				110					
Coralville	192032-01				3500					
Hawarden	192033-01				98					
Woodbine	192034-01				149					
Knoxville	192035-01				1270					
Clinton	192036-01				2964					
Lockridge	192037-01				305					

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Chart 3 (continued)

Project Name: Community Serve	Project Number	BINDING COMMITMENT								
		Prior Year	Fiscal Year 1991				Fiscal Year 1992			
			QTR 1	QTR 2	QTR 3	QTR 4	QTR 1	QTR 2	QTR 3	QTR 4
PGM - ADM (FY89)		349								
PGM - ADM (FY90)		528								
PGM - ADM (FY91)				741						
TOTALS		877	13705	2353	21483	0	0	0	0	0
CUMULATIVE TOTALS		877	14582	16935	38418	38418	38418	38418	38418	38418
FY TOTALS		877				37541				0

Mr. Stokes gave a detailed explanation of the plan.

Motion was made by Richard Hartsuck to approve the State Revolving Fund Intended Use Plan for FY 91. Seconded by Rozanne King. Motion carried unanimously.

FINAL RULE--CHAPTER 61, WATER QUALITY STANDARDS: USE DESIGNATION - PHASE II (Stream Use Designations)

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The commission is asked to approve final adoption of revisions to Chapter 61 of departmental rules. These revisions would establish the proper use designations for twenty one water body segments in the state. These use designations are based on field assessments of the water body uses relative to the new state water quality standards adopted in May 1990.

The commission approved Notice of Intended Action and authorized public hearings on these use designations at their August meeting. Six public hearings were held at which no comments were received. One written comment was received requesting a reevaluation of the proposed use designation for Lime Creek near Brandon. A copy of the comment is included in the attached responsiveness summary.

No changes are recommend to the rules as proposed.

(Rule and responsiveness summary are shown on the following 8 pages)

ENVIRONMENTAL PROTECTION COMMISSION [567]
Adopted and Filed

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission for the Department of Natural Resources amends Chapter 61, "Water Quality Standards", Iowa Administrative Code.

The recent revisions which amended the numerical and narrative criteria of the water quality standards, effective May 23, 1990, included new aquatic use protection designations for Iowa's various water bodies. It is anticipated that approximately three years of field activities will be required to properly determine and assign the appropriate use designations to all individual rivers, streams and lakes. The determination and adoption of use designations are required prior to implementation of the amended water quality standards in establishing individual effluent limits for wastewater treatment facilities. This amendment is the second group of waters for which the new use designations are warranted.

A Notice of Intended Action was published on September 19, 1990, as ARC 1269A reflecting the proposed changes to stream use designations. Public hearings were held on October 9, 10, and 11, 1990

The amendments in use designations were adopted on November 19, 1990. Modifications to the proposed rules, as published under the notice, have been made in the use designations for one stream in northeastern Iowa, as requested by a written comment. Only one written comment was received. This comment has been addressed in a responsiveness summary available from the department. This summary is on file with the Administrative Rules Coordinator. No economic impact statement was prepared for these particular use designations as the economic impact was addressed in the statement prepared for the original water quality standards revisions adopted on March 20, 1990.

No changes were made to Item 1 as a result of the public hearings.

These rules are intended to implement Iowa Code chapter 455B, division III, part I. These rules become effective January 1, 1991, after filing with the Administrative Rules Coordinator and publication in the Iowa Administrative Bulletin.

ITEM 1. Insert the following into subrule 61.3(5)"e" in their hydrological order:

Iowa Water Quality Standards
Water Use Designations

WESTERN IOWA RIVER BASINS

· Deep Creek - 3
Willow Creek - 2
Wiskey Creek - 1

	Water Uses						
	A	B(WW)	B(LR)	B(LW)	B(CW)	C	HQ	HQR
Wiskey Cr.								
1. Mouth (Plymouth Co.) to confluence with an unnamed tributary (NW 1/4, Sec. 2, T91N, R43W, Plymouth Co.)			X					
Willow Cr.								
2. Mouth (Plymouth Co.) to confluence with an unnamed tributary (NE 1/4, Sec. 11, T93N, R44W, Plymouth Co.)			X					
Deep Cr.								
3. Mouth (Plymouth Co.) to confluence with an unnamed tributary (NE 1/4, Sec. 35, T94N, R43W, Sioux Co.)			X					

Iowa Water Quality Standards
Water Use Designations

SOUTHERN IOWA RIVER BASINS

West Nishnabotna River - 1

	Water Uses						
	A	B(WW)	B(LR)	B(LW)	B(CW)	C	HQ	HQR
W Nishnabotna R.								
1. Confluence with Elk Cr. (Sec. 36,T81N, R36W, Shelby Co.) to confluence with an unnamed tributery (Sec. 34, T83N, R36W, Carroll Co.)			X					

DES MOINES RIVER BASIN

Cedar Creek - 2
Miller Creek - 1
Muchakinock Creek - 3
Short Creek - 4

	Water Uses							
	A	B(WW)	B(LR)	B(LW)	B(CW)	C	HQ	HQR
Miller Cr.								
1. Mouth (Wapello Co.) to confluence with an unnamed tributary (Sec. 29, T73N, R16W, Monroe Co.)			X					
Cedar Cr.								
2. Confluence with Bee Branch (Sec. 3, T72N, R18W, Monroe Co.) to Hwy 34 bridge crossing (Monroe Co.)			X					
Muchakinock Cr.								
3. Confluence with an unnamed tributary (N 1/2, Sec. 2, T75N, R16W, Mahaska Co.) to confluence with Little Muchakinock (Sec. 34, T75N, R16W, Mahaska Co.)			X					
Short Cr.								
4. Mouth (Greene Co.) to confluence with an unnamed tributary (S21, T84N, R31W, Green Co.)			X					

Iowa Water Quality Standards
Water Use Designations

SKUNK RIVER BASIN

Bear Creek - 2
Sugar Creek - 1

	Water Uses							
	A	B(WW)	B(LR)	B(LW)	B(CW)	C	HQ	HQR
Sugar Cr.								
1. Interstate 80 bridge crossing to confluence with an unnamed tributary (SW 1/4, Sec. 24, T80N, R17W, Jasper Co.)			X					
Bear Cr.								
2. Mouth (Story Co.) to N line of Sec. 32, T85N, R23W, Story Co.			X					

IOWA-CEDAR RIVER BASIN

Honey Creek - 5
Lime Creek - 3, 4
Little Bear Creek - 2
Rock Creek - 1

	Water Uses						
	A	B(WW)	B(LR)	B(LW)	B(CW)	C	HQ	HQR
Rock Cr.								
1. County Rd. F28 bridge to the confluence with an unnamed tributary (Sec. 1, T81N, R3W, Cedar Co.)			X					
Little Bear Cr.								
2. Mouth (Poweshiek Co.) to confluence with an unnamed tributary (SW 1/4, Sec. 13, T80N, R16W, Poweshiek Co.)			X					
Lime Cr.								
3. Mouth (Benton Co.) to confluence with an unnamed tributary (Sec. 1, T87N, R10W, Buchanan Co.)		X						
4. Confluence with an unnamed tributary (Sec. 1, T87N, R10W, Buchanan Co.) to confluence with an unnamed tributary (SW 1/4, Sec. 11, T88N, R10W, Buchanan Co.)			X					
Honey Cr.								
5. Mouth (Marshall Co.) to confluence with an unnamed tributary (Sec. 15, T86N, R20W, Hardin Co.)			X					

NORTHEASTERN IOWA RIVER BASINS

Barber Creek - 1
Mill Creek - 2
Otter Creek - 3, 4
Rogers Creek - 5
Silver Creek - 6

	Water Uses						
	A	B(WW)	B(LR)	B(LW)	B(CW)	C	HQ	HQR
Barber Cr.								
1. Mouth (Clinton Co.) to bridge crossing (SW 1/4, Sec. 33, T81N, R3E, Clinton Co.)			X					
Mill Cr.								
2. Mouth (Clinton Co.) to confluence with an unnamed tributary (Sec. 26, T82N, R6E, Clinton Co.)			X					
Otter Cr.								
3. N. line of Sec. 33, T91N, R9W, Fayette Co. to confluency with an unnamed tributary (Sec. 29, T91N, R9W, Fayette Co.)		X						
4. Confluence with an unnamed tributary (Sec. 29, T91N, R9W, Fayette Co.) to confluence with an unnamed tributary (Sec. 18, T91N, R9W, Fayette Co.)			X					
Rogers Cr.								
5. Mouth (Winneshiek Co.) to confluence with Goddard Cr. and Krumm Cr.			X					
Silver Cr.								
6. N. line of Sec. 26, T100N, R9W, Winneshiek Co. to Hwy. 52 bridge crossing (Winneshiek Co.)			X					

DEPARTMENT OF NATURAL RESOURCES

ENVIRONMENTAL PROTECTION DIVISION

PUBLIC PARTICIPATION RESPONSIVENESS SUMMARY

FOR

CHAPTER 61, WATER QUALITY STANDARDS - USE DESIGNATIONS

ROUND II

The attached information constitutes a summary of the oral and written comments received on the above proposed rule revisions. One written comment was received during the public hearing period.

RESPONSIVENESS SUMMARY

The following information constitutes a summary of the comments received at six public hearings held to receive comments on the proposed Water Quality Standards revisions for specific stream use designations. The proposed use designations were being considered for 21 stream segments. The hearings were held on:

October 9, 1990
- a) 1:00 pm in the Stanwood Library, Stanwood,
- b) 7:00 pm in the Chamber of Commerce Hall, Oelwein

October 10, 1990
- a) 1:00 pm in the LeMars Library, LeMars,
- b) 7:00 pm in the Manning Library, Manning

October 11, 1990
- a) 1:00 pm in the ISU Extension Office, Oskaloosa,
- b) 7:00 pm in the Grinnell Library, Grinnell

Written comments were to be received through October 22, 1990. This responsiveness summary addresses all comments. Each comment is followed by the name of the commentator, a discussion, and staff recommendation.

1. Comment: (Written) The City of Brandon requests that the proposed Significant Resource use designation for Lime Creek, tributary to the Cedar River be revaluated and that a portion of the creek near their wastewater treatment facility be designated as Limited Resource warm water. They characterized the stream segment in the vicinity of their wastewater treatment facility as a series of riffles with no deep pools or holes to hold the sport fisheries associated with the Significant Resource designation. They also note that the fish populations and environment has been stable ever since their wastewater treatment facility was installed in 1922.

Commentator: Robert Bearbower, Mayor, City of Brandon.

Discussion: The use assessment field work performed by DNR staff did evaluated the stream at locations approximately 1/4 mile above and below the wastewater treatment facility. It was assumed that similar stream habitats and aquatic species existed between the two assessed locations. The riffle areas and pools noted at the two assessed locations provided the habitat for the Smallmouth bass. Since Smallmouth bass are a sport fish, the stream should be designated as a Significant Resource warm water stream.

The field assessment noted a shift in the stream's natural habitat from the mouth of Lime Creek to the assessment location downstream of the Brandon city limits. This change was from a wide but shallow channel

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with shifting sand substrate near the mouth to a narrower channel with a gravel and sand mixed substrate within the Brandon City limits. The shift in stream bed composition is due to the change in topography and channel slope. In this lower 2.3 mile segment of the creek to the eastern city limits of Brandon, it was concluded that a protected flow of 1.0 cfs would be necessary to provide the needed water depth to support the Significant Resource designation.

Pools and deeper holes exist in the stream above Brandon's eastern city limits due to the rocky and bedrock type of habitat found in this segment of the stream. During the low flow conditions of Lime Creek (7-day 10-year low flow = .53 cubic feet per second), it is likely that the Significant Resource species are residing in the deeper riffles and pools.

Recommendations: Department staff recommend to maintain the Significant Resource designation as proposed and establish the protected flow of 1.0 cfs for the stream segment below the unnamed tributary to Lime Creek in the NE 1/4 Section 34, T87N, R10W Buchanan County.

Kcc 10/26/90 -51

CITY OF BRANDON

BRANDON, IOWA 52210

October 22,2990

Iowa Department of Natural Resources
Wallace State Office Building
900East Grand
Des Monies,Iowa 50319-0034

Dear Ralph Turkle,

This letter is in reference to the stream classification meeting held, Tuesday October 9 in Oelwein, Iowa. Ralph Turkle explained the different streams classification and how they affected the waste that could be discharged into the streams from city treatment plants.

Please excuse the tardiness of this letter, but the Mayor and council have been unable to meet until now.

The City of Brandon is in the process of finalizing plans for building an aeriated lagoon system where by the effluent will be discharged into Lime Creek. This stream is classified B(WW) for the portion of the stream North of Brandon to the outlet in the Cedar River. We are requesting a reclassification from B(WW) to BCLR for the portion of the stream where the treatment plant discharges into Lime Creek and 150 yards downsteam. It discharges into an area of ripples and there are no fishing holes in the 150 yard portion. Another consideration is that effluent has been discharged into the stream since 1922 when our present Imoff system was installed. Fish population and the environment has remained stable and aquatic life has not suffered from the effluent discharge over the years.

We would appreciate your consideration of this request.

Sincerely,

Robert Bearbower Mayor

Brandon Mayor and City Council

CC: TeKippe Engineering, P.C.

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Mr. Stokes explained the rules in detail.

Motion was made by Margaret Prahl to approve Final Rule--Chapter 61, Water Quality Standards: Use Designation - Phase II. Seconded by William Ehm. Motion carried unanimously.

FINAL RULE--CHAPTERS 40, 41 AND 43, WATER SUPPLIES (FILTRATION AND DISINFECTION)

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The commission is asked to approve proposed changes to state water supply rules in Chapters 40 and 41, and creation of a new Chapter 43 IAC. These rules incorporate U.S. EPA regulations on filtration and disinfection for public water supplies and consolidate rules on the general operation of public water supplies into one chapter.

The new provisions require all surface water supplies and groundwater supplies, "under the direct influence of surface water", to provide filtration and disinfection; and reports demonstrating that they have adequate treatment and operational control.

The purpose of the filtration and disinfection rule is to protect the public from exposure to Giardia lamblia and fecal virus. Major provisions in the new rules include:

criteria for identifying groundwater supplies under the direct influence of surface water including a requirement that they install and maintain filtration and disinfection systems;

reduction in the amount of allowable turbidity in the treated water from 1 ntu to 0.5 ntu;

a requirement for systems to maintain a minimum of 0.3 mg/L free chlorine and provide either redundant disinfection or automatic shut-off systems when the chlorine residual cannot be maintained.

Four public hearings which were held in July. A public participation responsiveness summary addressing all oral and written comments received is attached. The only substantive change from those contained within the proposed rules approved for public hearing is a delay in the effective dates to make them consistent with federal dates.

(A copy of the responsiveness summary is on file in the department's Records Center).

(Rule is shown on the following 15 pages)

ENVIRONMENTAL PROTECTION COMMISSION [567]
Notice of Intended Action

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission for the Department of Natural Resources hereby adopts revisions to Chapter 40, "Scope of Division-Definitions-Forms-Rules of Practice," and Chapter 41, "Water Supplies," and creates a new Chapter 43, "Water Supplies - Design and Operation," Iowa Administrative Code.

The Notice of Intended Action was published in the June 13, 1990 Iowa Administrative Bulletin as ARC 965A. Public hearings were held on July 9, July 10, July 11, and July 12, 1990. The amendments were adopted on November 19-20, 1990 by the Environmental Protection Commission. Changes to the amendments to Chapters 40, 41 and 43 proposed in the Notice of Intended Action have been made as the result of comments and are reflected in the responsive summary.

These "filtration" rules pertain to revision of the existing Chapters 40 and 41 to add definitions, monitoring requirements and standard language for public notification. Additionally Chapter 43 is being created to contain topics relating to public water supplies' design and operation requirements and include the new monitoring and performance standards for public water supplies using surface water or groundwater influenced by surface water. The rule changes are proposed due to promulgation of the same regulations by EPA which become effective December 31, 1990.

These rules may have an impact upon small businesses.

These rules are intended to implement Iowa Code chapter 455B, Division III, part 1.

These rules become effective January 16, 1991 after filing with the Administrative Rules Coordinator and publication in the Iowa Administrative Bulletin.

ITEM 1. Amend rule 567-40.2(455B) by inserting in alphabetical order the following new definitions:

"Coagulation" means a process using coagulation chemicals and mixing by which colloidal and suspended materials are destabilized and agglomerated into flocs.

"Conventional filtration treatment" means a series of processes including coagulation, flocculation, sedimentation, and filtration resulting in substantial particulate removal.

"Diatomaceous earth filtration" means a process resulting in substantial particulate removal in which (1) precoat cake of diatomaceous earth filter media is deposited on a support membrane (septum), and (2) while the water is filtered by passing through the cake on the septum, additional filter media known as body feed is continuously added to the feed water to maintain the permeability of the filter cake.

"Direct filtration" means a series of processes including coagulation and filtration but excluding sedimentation resulting in substantial particulate removal.

"Disinfection" means a process which inactivates pathogenic organisms in water by chemical oxidants or equivalent agents.

"Filtration" means a process for removing particulate matter from water by passage through porous media.

"Flocculation" means a process to enhance agglomeration or collection of smaller floc particles into larger, more easily settleable particles through gentle stirring by hydraulic or mechanical means.

"Legionella" means a genus of bacteria, some species of which have caused a type of pneumonia called Legionnaires disease.

"Point of disinfectant application" is the point where the disinfectant is applied and water downstream of that point is not subject to recontamination by surface water runoff.

"Residual disinfectant concentration" means the concentration of disinfectant measured in mg/l in a representative sample of water.

"Sedimentation" means a process for removal of solids before filtration by gravity or separation.

"Slow sand filtration" means a process involving passage of raw water through a bed of sand at low velocity (generally less than 0.4 m/h (0.02 ft/min.) resulting in substantial particulate removal by physical and biological mechanisms.

"Surface water" means all water which is open to the atmosphere and subject to surface runoff.

"Virus" means a virus of fecal origin which is infectious to humans by waterborne transmission.

"Waterborne disease outbreak" means the significant occurrence of acute infectious illness, epidemiologically associated with the ingestion of water from a public water system which is deficient in treatment, as determined by the Iowa department of public health.

ITEM 2. Amend 567--41.2(455B) by adding the following new subrule:

41.2(3) Heterotrophic plate count bacteria (HPC).

a. Applicability. All public water systems that use a surface water source or a groundwater source under the direct influence of surface water must provide treatment consisting of disinfection, as specified in 43.5(2), and filtration treatment which complies with 43.5(3). The heterotrophic plate count is an alternate method to demonstrate a detectable disinfectant residual in accordance with 43.5(2)"d."

b. Maximum contaminant levels. Reserved.

c. Monitoring requirements. Reserved.

d. BAT. Reserved.

e. Analytical methodology. Public water systems shall conduct heterotrophic plate count bacteria analysis in accordance with 43.5(2) and the following analytical method. Measurements for heterotrophic plate count bacteria must be conducted by a laboratory certified by the department to do such analysis. Until laboratory certification criteria are developed for the analysis of heterotrophic plate count bacteria, any laboratory certified for total coliform analysis by the department is certified for heterotrophic plate count bacteria analysis. After certification criteria have been established, the laboratory shall meet the criteria at renewal of certification.

(1) The heterotrophic plate count shall be performed in accordance with Method 9215B (Pour Plate Method), pp. 9-58 to 9-61, as set forth in "Standard Methods."

(2) Reporting. The public water system shall report the results of heterotrophic plate count in accordance with 43.7(3)"b."

ITEM 3. Subrule 41.3(3) is amended by adding introductory text to read as follows:

41.3(3) Turbidity. The requirements in this section apply to public water supplies using surface water until June 29, 1993.

ITEM 4. Subrule 41.4(2) is amended by adding introductory text to read as follows:

41.4(2) Turbidity. Sampling and analytical requirements. The requirements in this section apply to public water supplies using surface water until June 29, 1993.

ITEM 5. Create a new rule 567--41.7(455).

567--41.7(455B) Physical properties maximum contaminant levels (MCL or treatment technique requirement) and monitoring requirements.

41.7(1) Turbidity.

a. Applicability. The maximum contaminant levels (treatment technique requirements) for turbidity are applicable to community and noncommunity public water supply systems using surface water or groundwater under the direct influence of surface water in whole or in part. A system providing filtration on or before December 30, 1991 shall meet the requirements of this subrule on June 29, 1993. A system providing filtration after December 30, 1991 shall meet the requirements of this subrule when filtration is installed. The department may require and the system shall comply with any interim turbidity requirements the department deems necessary. Failure to meet any requirement of this subrule, in accordance with 567--43.5(455B), after the date specified in this paragraph is a treatment technique violation.

b. Maximum Contaminant Levels (MCL or Treatment Technique Requirement) for turbidity. The maximum contaminant levels (treatment technique requirements) for turbidity in drinking water, measured at representative entry point(s) to the distribution system, are as follows:

(1) Conventional filtration treatment or direct filtration.

1. For systems using conventional filtration or direct filtration, the turbidity level of representative samples of a system's filtered water must be less than or equal to 0.5 nephelometric turbidity units (NTU) in at least 95 percent of the measurements taken each month when measured as specified in 41.7(1)"c" and "e."

2. The turbidity level of representative samples of a system's filtered water must at no time exceed 5 NTU when measured as specified in 41.7(1)"c" and "e."

(2) Slow sand filtration.

1. For systems using slow sand filtration, the turbidity level of representative samples of a system's filtered water must be less than or equal to 1 NTU in at least 95 percent of the measurements taken each month when measured as specified in 41.7(1)"c" and "e."

2. The turbidity level of representative samples of a system's filtered water must at no time exceed 5 NTU when measured as specified in 41.7(1)"c" and "e."

(3) Diatomaceous earth filtration.

1. For systems using diatomaceous earth filtration, the turbidity level of representative samples of a system's filtered water must be less than or equal to 1 NTU in at least 95 percent of the measurements taken each month when measured as specified in 41.7(1)"c" and "e."

2. The turbidity level of representative samples of a system's filtered water must at no time exceed 5 NTU when measured as specified in 41.7(1)"c" and "e."

(4) Other filtration technologies. A public water system may use either a filtration technology not listed in 41.7(1)"b"(1) to 41.7(1)"b"(3) or a filtration technology listed in 41.7(1) "b"(1) and "b"(2) at a higher turbidity level if it demonstrates to the department through a preliminary

report submitted by a registered professional engineer, using pilot plant studies or other means, that the alternative filtration technology in combination with disinfection treatment that meets the requirements of 43.5(2), consistently achieves 99.9 percent removal or inactivation of *Giardia lamblia* cysts and 99.99 percent removal or inactivation of viruses. For a system that uses alternative filtration technology and makes this demonstration, the maximum contaminant levels(treatment technique requirements) for turbidity are as follows:

1. The turbidity level of representative samples of a system's filtered water must be less than or equal to 1 NTU in at least 95 percent of the measurements taken each month when measured as specified in 41.7(1)"c" and "e."

2. The turbidity level of representative samples of a system's filtered water must at no time exceed 5 NTU when measured as specified in 41.7(1)"c" and "e."

c. Monitoring requirements.

(1) Routine turbidity monitoring. Turbidity measurements as required by 43.5(3) must be performed on representative samples of the system's filtered water every four hours (or more frequently) that the system serves water to the public. A public water system may substitute continuous turbidity monitoring for grab sample monitoring if it validates the continuous measurement for accuracy on a regular basis using a calibration protocol approved by the department and audited for compliance during sanitary surveys. Major elements of the protocol shall include but are not limited to: method of calibration, calibration frequency, calibration standards, documentation, data collection and data reporting. For any systems using slow sand filtration or filtration treatment other than conventional treatment, direct filtration, or diatomaceous earth filtration, the department may reduce the sampling frequency to once per day if it determines that less frequent monitoring is sufficient to indicate effective filtration performance. For systems serving 500 or fewer persons, the department may reduce the turbidity sampling frequency to once per day, regardless of the type of filtration treatment used, if the department determines that less frequent monitoring is sufficient to indicate effective filtration performance. Approval shall be based upon documentation provided by the system, acceptable to the department and pursuant to the conditions of an operation permit.

(2) A supplier of water serving a population or population equivalent of greater than 100,000 persons shall provide a continuous or rotating cycle turbidity monitoring and recording device or take hourly grab samples to determine compliance with 41.7(1)"b."

d. Reserved.

e. Analytical methodology. Public water systems shall conduct turbidity analysis in accordance with 43.5(4) and the following analytical method. Measurements for turbidity shall be conducted by a grade II, III or IV operator meeting the requirements of 567--Chapter 81, any person under the supervision of a grade II, III, or IV operator meeting the requirements of 567--Chapter 81, or a laboratory certified by the department to perform analysis under 41.4(13)"a".

(1) Turbidity monitoring shall be conducted in accordance with Method 2130B (Nephelometric Method), pp. 2-13 to 2-16, as set forth in "Standard Methods."

(2) Reporting. The public water supply system shall report the results of the turbidity analysis in accordance with 43.7(1) and 43.7(3).

41.7(2) Residual disinfectant.

a. Applicability. Public water supply systems which apply chlorine shall monitor, record, and report the concentrations daily in accordance with 43.7(2)"a." In addition, all public water supply systems that use a surface water source or a groundwater source under the direct influence of surface water must provide treatment consisting of disinfection, as specified in 43.5(2), and filtration treatment, as specified in 43.5(3), and shall monitor for the residual disinfectant concentration in both the water entering the distribution system and in the distribution system and shall report the results of that analysis in accordance with 43.7(3).

b. Maximum contaminant levels. Reserved.

c. Monitoring requirements. Public water supplies that use surface water or groundwater under the direct influence of surface water shall monitor for the residual disinfectant concentration in both the water entering the distribution system and in water in the distribution system so as to demonstrate compliance with 43.5(2).

(1) Disinfectant residual entering system. Residual disinfectant concentration of the water entering the distribution system shall be monitored continuously, and the lowest value recorded each day, except that if there is a failure in the continuous monitoring equipment, grab sampling every four hours may be conducted in lieu of continuous monitoring, but not to exceed five working days following the failure of the equipment. Systems serving 3,300 or fewer persons may take grab samples in lieu of providing continuous monitoring on an ongoing basis at the frequencies prescribed below:

System size (persons served)	Samples/ day(*)
<500	1
501 to 1,000	2
1,001 to 2,500	3
2,501 to 3,300	4

(*) When more than one grab sample is required/day, the day's samples cannot be taken at the same time. The sampling intervals must be at a minimum of four-hour intervals.

If at any time the disinfectant concentration falls below 0.3 mg/l in a system using grab sampling in lieu of continuous monitoring, the system shall take a grab sample every four hours until the residual disinfectant concentration is equal to or greater than 0.3 mg/l.

(2) Disinfectant residual in system. The residual disinfectant concentration must be measured at least at the same points in the distribution system and at the same time as total coliforms are sampled, as specified in 43.2(1)"c," except that the department may allow a public water system which uses both a surface water source or a groundwater source under direct influence of surface water, and a groundwater source to take disinfectant residual samples at points other than the total coliform sampling points, if these points are included as a part of the coliform sample site plan meeting the requirements of 41.2(1)"c"(1)"1" and the department determines that such points are more representative of treated (disinfected) water quality within the distribution system. Heterotrophic bacteria, measured as heterotrophic

plate count as specified in 41.2(3), may be measured in lieu of residual disinfectant concentration.

d. BAT. Reserved.

e. Analytical methodology. Measurements for residual disinfectant concentration shall be conducted by a grade II, III or IV operator meeting the requirements of 567--Chapter 81, any person under the supervision of a grade II, III, or IV operator meeting the requirements of 567--Chapter 81, or a laboratory certified by the department to perform analysis under 41.4(13)"a".

(1) Residual disinfectant concentrations for free chlorine and combined chlorine (chloramines) must be measured by Method 4500-C1 D. and E. (Amperometric Titration Method), pp. 4-54 to 4-58, Method 4500-C1 F. (DPD Ferrous Titrimetric Method), pp. 4-58 to 4-62, Method 4500-C1 G. (DPD Colorimetric Method), pp. 4-62 to 4-65 "Standard Methods" 17 edition or (Method 408F (Leuco Crystal Violet Method), pp. 310-313, as set forth in "Standard Methods," 16th edition. Residual disinfectant concentrations for free chlorine and combined chlorine may also be measured by using DPD colorimetric test kits. Residual disinfectant concentrations for ozone must be measured by the Indigo Method as set forth in Bader, H., Hoigne, J., "Determination of Ozone in Water by the Indigo Method; A Submitted Standard Method"; Ozone Science and Engineering, Vol. 4, pp. 169-176, Pergamon Press Ltd., 1982, or automated methods which are calibrated in reference to the results obtained by the Indigo Method on a regular basis.

Note: The Indigo Method has been published in the 17th edition of "Standard Methods," pp. 4-162 - 4-165; the Iodemetric Method in the 16th edition may not be used.

Residual disinfectant concentrations for chlorine dioxide must be measured by Method 4500-ClO_2 C. (Amperometric Method) or Method 45-ClO_2 D. (DPD Method) pp. 4-78 to 4-80, as set forth in "Standard Methods."

(2) Reporting. The public water supply system shall report the results in compliance with 43.7(1) and 43.7(3).

41.7(3) Temperature.

a. Applicability. Reserved.

b. Maximum contaminant levels. Reserved.

c. Monitoring requirements. Reserved.

d. BAT. Reserved.

e. Analytical methodology. Measurements for temperature must be conducted by a grade II, III or IV operator meeting the requirements of 567--Chapter 81, any person under the supervision of a grade II, III or IV operator meeting the requirements of 567--Chapter 81 or a laboratory certified by the department to perform analysis under 41.4(13). Temperature shall be determined in compliance with Method 2550 (Temperature), pp. 2-80 to 2-81, as set forth in "Standard Methods."

41.7(4)pH

a. Applicability. Reserved.

b. Maximum contaminant levels. Reserved.

c. Monitoring requirements. Reserved.

d. BAT. Reserved.

e. Analytical methodology. Measurements for pH shall be conducted by a grade II, III or IV operator meeting the requirements of 567-- Chapter 81, any person under the supervision of a grade II, III, or IV operator meeting the requirements of 567--Chapter 81 or a laboratory certified by the department to perform analysis under 41.4(13)"a". pH shall be determined in compliance with Method 4500-H^+ (pH Value), pp. 4-94 to 4-102, as set forth in "Standard Methods."

ITEM 6. Subrule 41.5(2)"a"(2) is amended by adding a number paragraph "4" to read as follows:

4. Occurrence of a waterborne disease outbreak, as defined in 567--40.2, in an unfiltered system subject to the requirements of 567--43.5, after December 30, 1991.

ITEM 7. Amend subrule 41.5(2), paragraph "e," by adding a new subparagraph of standard language to read as follows:

(10) Microbiological contaminants (for use when there is a violation of the treatment technique requirements for filtration and disinfection in 567--43.5(455B). The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that the presence of microbiological contaminants is a health concern at certain levels of exposure. If water is inadequately treated, microbiological contaminants in that water may cause disease. Disease symptoms may include diarrhea, cramps, nausea, and possibly jaundice, and any associated headaches and fatigue. These symptoms, however, are not just associated with disease-causing organisms in drinking water, but also may be caused by a number of factors other than drinking water. EPA has set enforceable requirements for treating drinking water to reduce the risk of these adverse health effects. Treatment such as filtering and disinfecting the water removes or destroys microbiological contaminants. Drinking water which is treated to meet EPA requirements is associated with little or no risk and should be considered safe.

ITEM 8. A new Chapter 567--43 entitled "Water Supplies - Design and Operation" is created by transferring portions of Chapter 41 and adding new rules. A table of corresponding numbers is inserted herein for clarification.

Chapter 43

Former rule number	New rule number
	43.1 (new)
41.6	43.2
41.11	43.1(1)
41.12	43.3
41.13	43.4
41.14	43.7
41.14(1)	43.7(1)
41.14(2)	43.7(2)
	43.7(3) (new)
41.14(3)	43.1(4)
41.15	43.1(2)
41.16	43.1(3)
	43.5(new)
	43.6 Reserved (new)
Ch 41 - Table C	Ch 43 - Table A
Ch 41 - Table D	Ch 43 - Table B

567--43.1(455B) General information.

Renumber rule 41.11 "Emergency actions regarding water supplies" as 43.1(1). Renumber rule 41.15 "Prohibition on the use of lead pipes, solder and flux" as 43.1(2). Renumber rule 41.16 "Use of noncentralized treatment devices" as 43.1(3). Renumber rule 41.14(3) "Cross-connection control" as 43.1(4).

Renumber rule 41.6 "Permits to operate" as 567--43.2(455B). Renumber rule 41.12 "Public water supply system construction" as 567--43.3(455B) and transfer Table C at the end of Chapter 41 to the end of Chapter 43 and reletter as Table A. Renumber rule 41.13 "Certification of completion"as 567--43.4(455B).

Add a new rule to read as follows:

567--43.5(455B) Filtration and disinfection.

43.5(1) Applicability/general requirements.

a. These rules apply to community and noncommunity public water supply systems using surface water or groundwater under the direct influence of surface water in whole or in part. The rules establish criteria under which filtration is required as a treatment technique. In addition, these rules establish treatment technique requirements in lieu of maximum contaminant levels for Giardia lamblia, heterotrophic bacteria, Legionella, viruses and turbidity. Each public water system with a surface water source or a groundwater source under the direct influence of surface water must provide treatment of that source water which complies with these treatment technique requirements. The treatment technique requirements consist of installing and properly operating water treatment processes which reliably achieve:

(1) At least 99.9 percent (3-log) removal or inactivation of *Giardia lamblia* cysts between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer; and

(2) At least 99.99 percent (4-log) removal or inactivation of viruses between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer.

b. Criteria for identification of groundwater under the direct influence of surface water. "Groundwater under the direct influence of surface water" means any water beneath the surface of the ground with: (1) significant occurrence of insects or other macroorganisms, algae, or large-diameter pathogens such as Giardia lamblia; or (2) significant and relatively rapid shifts in water characteristics such as turbidity (particulate content), temperature, conductivity, or pH which closely correlate to climatological or surface water conditions. Direct influence must be determined for individual sources in accordance with criteria established by the department. The department determination of direct influence may be based on site-specific measurements of water quality or documentation of well construction characteristics and geology with field evaluation. Only surface water and groundwater sources under the direct influence of surface water that are at risk to the contamination from Giardia cysts are subject to the requirements of this rule. Groundwater sources shall not be subject to this rule. The evaluation process shall be used to delineate between surface water, groundwater under the direct influence of surface water and groundwater. The identification of a source as surface water and groundwater under the direct influence of surface water shall be determined for an individual source, by the department, in accordance with the following criteria. The public water supply shall provide to the department that information necessary to make the determination. The evaluation process will involve one or more of the following steps:

(1) Preliminary review. The department shall conduct a preliminary evaluation of information on the source provided by the public water supply to determine if the source is an obvious surface water (i.e., pond, lake, stream, etc.) or groundwater under the direct influence of surface water. The source shall be evaluated during that period of highest susceptibility to influence from surface water. The preliminary evaluation may include a review of surveys, reports, geological information of the area, physical properties of the source, and a review of departmental and public water system records. If the source is identified as a surface water no additional evaluation shall

be conducted. If the source is a groundwater and identified as a deep well, it shall be classified as a groundwater not under the direct influence of surface water and no additional evaluation shall be conducted, unless through direct knowledge or documentation the source does not meet the requirements of 43.5(1)"b"(2). The deep well shall then be evaluated in accordance with 43.5(1)"b"(3). If the source is a shallow well, the source shall be evaluated in accordance with 43.5(1)"b"(2). If the source is a spring, infiltration gallery, Ranney well, or any other subsurface source it shall be evaluated in accordance with 43.5(1)"b"(3).

(2) Well source evaluation. Shallow wells greater than 50 feet in lateral distance from a surface water source shall be evaluated for direct influence of surface water through a review of departmental or public water system files in accordance with 43.5(1)"b"(2)"1" first unnumbered paragraph, and 43.5(1)"b"(2)2. Sources that meet the criteria shall be considered to be not under the direct influence of surface water. No additional evaluation will be required. Shallow wells 50 feet or less in lateral distance from a surface water shall be in accordance with 43.5(1)"b"(3) and (4).

1. Well construction criteria. The well shall be constructed so as to include:

- A surface sanitary seal using bentonite clay, concrete, or other acceptable material.
- The well casing shall penetrate a confining bed.
- The well casing shall be perforated or screened only below a confining bed.

2. Water quality criteria. Water quality records shall indicate:

- No record of total coliform or fecal coliform contamination in untreated samples collected over the past three years,
- No history of turbidity problems associated with the well, other than turbidity as a result of inorganic chemical precipitates.
- No history of known or suspected outbreak of Giardia or other pathogenic organisms associated with surface water (e.g., Cryptosporidium) which has been attributed to well.

3. Other available data. If data on particulate matter analysis of the well are available, there shall be no evidence of particulate matter present that is associated with surface water. If information on turbidity or temperature monitoring of the well and nearby surface water is available, there shall be no data on the source which correlates with that of a nearby surface water.

4. Wells that do not meet all the requirements listed shall require further evaluation in accordance with 43.5(1)"b" (3) and (4).

(3) Formal evaluation. The evaluation shall be conducted by the department or registered engineer at the direction of the public water supply. The evaluation shall include:

1. Complete file review. In addition to the information gathered in 43.5(1)"b"(1), the complete file review shall consider but not be limited to: design and construction details; evidence of direct surface water contamination; water quality analysis; indications of waterborne disease outbreaks; operational procedures; and customer complaints regarding water quality or water-related infectious illness. Sources other than a well source shall be evaluated in a like manner to include a field survey.

2. Field survey. A field survey shall substantiate findings of the complete file review and determine if the source is at risk to pathogens from direct surface water influence. The field survey shall examine the following criteria for evidence that surface water enters the source through defects in the source which include but are not limited to: a lack of a surface seal on

wells, infiltration gallery laterals exposed to surface water, springs open to the atmosphere, surface runoff entering a spring or other collector, and distances to obvious surface water sources.

A report summarizing the findings of the complete file review and field survey shall be submitted to the department for final review and classification of the source. If the complete file review or field survey demonstrates conclusively that the source is subject to the direct surface water influence, the source shall be classified as under the direct influence of surface water. Either method or both may be used to demonstrate that the source is a surface water or groundwater under the direct influence of surface water. If the findings do not demonstrate conclusive evidence of direct influence of surface water, the analysis outlined in 43.5(1)"b"(4) should be conducted.

(4) Particular analysis and physical properties evaluation.

1. Surface water indicators. Particulate analysis shall be conducted to identify organisms which only occur in surface waters as opposed to groundwaters, and whose presence in a groundwater would indicate the direct influence of surface water.

- Identification of a Giardia cyst, live diatoms, and blue-green, green, or other chloroplast containing algae in any source water shall be considered evidence of direct surface water influence.

- Rotifers and insect parts are indicators of surface water. Without knowledge of which species is present, the finding of rotifers indicates that the source is either directly influenced by surface water, or the water contains organic matter sufficient to support the growth of rotifers. Insects or insect parts shall be considered strong evidence of surface water influence, if not direct evidence.

- The presence of coccidia (e.g. Cryptosporidium) in the source water is considered a good indicator of direct influence of surface water. Other macroorganisms (>7 um) which are parasitic to animals and fish such as, but are not limited to, helminths (e.g., tapeworm cysts), ascaris, and *Diphyllobothrium*, shall be considered as indicators of direct influence of surface water.

2. Physical properties. Turbidity, temperature, pH and conductivity provide supportive, but less direct, evidence of direct influence of surface water. Turbidity fluctuations of greater than 0.5 - 1 NTU over the course of a year may be indicative of direct influence of surface water. Temperature fluctuations may also indicate surface water influence. Changes in other chemical parameters such as pH, conductivity, hardness, etc. may also give an indirect indication of influence by nearby surface water.

c. A public water system using a surface water source or a groundwater source under the direct influence of surface water is considered to be in compliance with the requirements of this subrule if it meets the filtration requirements in 43.5(3) and the disinfection requirements in 43.5(2) in accordance with the effective dates specified within the respective subrules.

d. Each public water system using a surface water source or a groundwater source under the direct influence of surface water must be operated by a certified operator who meets the requirements of 567--Chapter 81.

43.5(2) Disinfection. All community and noncommunity public water supply systems using surface water or groundwater under the direct influence of surface water in whole or in part shall be required to provide disinfection in compliance with this subrule and filtration in compliance with 43.5(3). If the department has determined that filtration is required, the system must comply with any interim disinfection requirements the department deems

necessary before filtration is installed. A system providing filtration on or before December 30, 1991, must meet the disinfection requirements of this subrule beginning June 29, 1993. A system providing filtration after December 30, 1991, must meet the disinfection requirements of this subrule when filtration is installed. Failure to meet any requirement of this subrule after the applicable date specified in this subrule is a treatment technique violation. The disinfection requirements are as follows:

a. The disinfection treatment must be sufficient to ensure that the total treatment processes of that system achieve at least 99.9 percent (3-log) inactivation or removal of Giardia lamblia cysts and at least 99.99 percent (4-log) inactivation or removal of viruses, acceptable to the department.

b. The disinfection system must include:

(1) Redundant components, including an auxiliary power supply with automatic start-up and alarm to ensure that disinfectant application is maintained continuously while water is being delivered to the distribution system, or

(2) Automatic shut-off of delivery of water to the distribution system whenever there is less than 0.3 mg/l of residual disinfectant concentration in the water. If the department determines that automatic shut-off would cause unreasonable risk to health or interfere with fire protection, the system must comply with 43.5(2)"b"(1).

c. Disinfectant residual entering system. The residual disinfectant concentration in the water entering the distribution system, measured as specified in 41.7(2)"c" and "e," cannot be less than 0.3 mg/l for more than 4 hours.

d. Disinfectant residual in the system. The residual disinfectant concentration in the distribution system, measured as total chlorine, combined chlorine, or chlorine dioxide, as specified in 41.7(2)"c" and "e," cannot be undetectable in more than 5 percent of the samples each month for any two consecutive months that the system serves water to the public. Water in the distribution system with a heterotrophic bacteria concentration less than or equal to 500/ml, measured as heterotrophic plate count (HPC) as specified in 41.2(3)"e," is deemed to have a detectable disinfectant residual for purposes of determining compliance with this requirement. Therefore, the value "V" in the following formula cannot exceed 5 percent in one month for any two consecutive months.

$$V = \frac{c+d+e}{a+b} \times 100$$

where:

a = number of instances where the residual disinfectant concentration is measured;

b = number of instances where the residual disinfectant concentration is not measured but heterotrophic bacteria plate count (HPC) is measured;

c = number of instances where the residual disinfectant concentration is measured but not detected and no HPC is measured;

d = number of instances where no residual disinfectant concentration is detected and where the HPC is >500/ml; and

e = number of instances where the residual disinfectant concentration is not measured and HPC is >500/ml.

43.5(3) Filtration. A public water system that uses a surface water source or a groundwater source under the direct influence of surface water must

provide treatment consisting of both disinfection, as specified in 43.5(2), and filtration treatment which complies with the turbidity requirements of subrule 41.7(1). A system providing or required to provide filtration on or before December 30, 1991 must meet the requirements of 41.7(1) by June 29, 1993. A system providing or required to provide filtration after December 30, 1991, must meet the requirement of 41.7(1) when filtration is installed. A system shall install filtration within 18 months after the department determines, in writing, that filtration is required. The department may require and the system shall comply with any interim turbidity requirements the department deems necessary. Failure to meet any requirements of the referenced subrules after the dates specified is a treatment technique violation.

43.5(4) Analytical and monitoring requirements.

a. Analytical requirements. Only the analytical method(s) specified in this paragraph, or otherwise approved by the department, may be used to demonstrate compliance with the requirements of 43.5(2) and 43.5(3). Measurements for pH, temperature, turbidity, and residual disinfectant concentrations must be conducted by a grade II, III or IV operator meeting the requirements of 567--Chapter 81, any person under the supervision of a grade II, III, or IV operator meeting the requirements of 567--chapter 81, or a laboratory certified by the department to perform analysis under 41.4(13)"a". Measurements for heterotrophic plate count bacteria must be conducted by a laboratory certified by the department to do such analysis. Until laboratory certification criteria are developed for the analysis of heterotrophic plate count bacteria, any laboratory certified for total coliform analysis by department is certified for heterotrophic plate count bacteria analysis unless notified otherwise by the Department. The procedures shall be performed in accordance with 567--Chapter 41 as listed below and the referenced publications.

(1) Heterotrophic plate count--567--41.2(3)
(2) Turbidity--567--41.7(1)
(3) Residual disinfectant concentration--567--41.7(2)
(4) Temperature--567--41.7(3)
(5) pH--567--41.7(4).

b. Monitoring requirements. A public water system that uses a surface water source or a groundwater source under the influence of surface water must monitor in accordance with this paragraph or some interim requirements required by the department, until filtration is installed.

(1) Turbidity measurements to demonstrate compliance with 43.5(3) shall be performed in accordance with 41.7(1).

(2) Residual disinfectant concentration of the water entering the distribution system to demonstrate compliance with 43.5(2)"d" shall be monitored in accordance with 41.7(2)"c"(1).

(3) The residual disinfectant concentration of the water in the distribution system to demonstrate compliance with 43.5(2)"d" shall be monitored in accordance with 41.7(2)"c"(2).

(4) Reporting and response to violation. Public water supplies shall report the results of routine monitoring required to demonstrate compliance with 567--43.5(455B) and treatment technique violations as follows.

1. Each system, upon discovering that a waterborne disease outbreak potentially attributable to that water system has occurred, must report that occurrence to the department as soon as possible, but no later than by the end of the next business day.

2. If at any time the turbidity exceeds 5 NTU, the system must inform the department as soon as possible, but no later than the end of the next business day.

3. If at any time the residual falls below 0.3 mg/l in the water entering the distribution system, the system must notify the department as soon as possible, but no later than by the end of the next business day. The system also must notify the department by the end of the next business day whether or not the residual was restored to at least 0.3 mg/l within 4 hours.

4. Routine monitoring results shall be provided as part of the monthly operation reports in accordance with 43.7(3).

ITEM 9. Reserve a new rule 43.6(455B) as follows:

567--43.6(455B) Disinfectant and disinfectant by-products. Reserved.

ITEM 10. Renumber rule 41.14 "Operation and maintenance for public water supplies" as 567--43.7(455B). Amend paragraph 41.14(2)"a"(3) to read; (3) Chlorine residual. A minimum free available chlorine residual of 0.3 mg/l or a minimum total available chlorine residual of 1.5 mg/l must be continuously maintained throughout the water distribution system, except for those points on the distribution system that terminate as dead ends or areas that represent very low use when compared to usage throughout the rest of the distribution system <u>as determined by the department</u>.

ITEM 11. Renumber subrule 41.14(1) "Records of operation required" as 43.7(1). Renumber subrule 41.14(2) "Chemical application" as 43.7(2). Transfer Table D at the end of Chapter 41 to the end of Chapter 43 and reletter as Table B.

ITEM 12. Add the following language pertaining to reporting requirements for filtration and disinfection as 567--43.7(3).

43.7(3) Reporting and record-keeping requirements for systems using surface water and groundwater under the direct influence of surface water. In addition to the monitoring requirements required by 43.7(1) and 43.7(2), a public water system that uses a surface water source or a groundwater source under the direct influence of surface water must report monthly to the department the information specified in this subrule beginning June 29, 1993, or when filtration is installed, whichever is later.

a. Turbidity measurements as required by 41.7(1) and 43.5(3) must be reported within ten days after the end of each month the system serves water to the public. Information that must be reported includes:

(1) The total number of filtered water turbidity measurements taken during the month.

(2) The number and percentage of filtered water turbidity measurements taken during the month which are less than or equal to the turbidity limits specified in 41.7(1)"b" for the filtration technology being used.

(3) The date and value of any turbidity measurements taken during the month which exceed 5 NTU.

b. Disinfection information specified in 41.7(2) and 43.5(2) must be reported to the department within ten days after the end of each month the system serves water to the public. Information that must be reported includes:

(1) For each day, the lowest measurement of residual disinfectant concentration in mg/l in water entering the distribution system.

(2) The date and duration of each period when the residual disinfectant concentration in water entering the distribution system fell below 0.3 mg/l and when the department was notified of the occurrence.

(3) The following information on the samples taken in the distribution system in conjunction with total coliform monitoring pursuant to 41.2(1)"c":

1. Number of instances where the residual disinfectant concentration is measured;
2. Number of instances where the residual disinfectant concentration is not measured but heterotrophic bacteria plate count (HPC) is measured;
3. Number of instances where the residual disinfectant concentration is measured but not detected and no HPC is measured;
4. Number of instances where no residual disinfectant concentration is detected and where HPC is >500/ml;
5. Number of instances where the residual disinfectant concentration is not measured and HPC is >500/ml; and
6. For the current and previous month the system serves water to the public, the value of "V" in the following formula:

$$V = \frac{c+d+e}{a+b} \times 100$$

where
a=the value in subparagraph "b"(3)"1" of this paragraph,
b=the value in subparagraph "b"(3)"2" of this paragraph,
c=the value in subparagraph "b"(3)"3" of this paragraph,
d=the value in subparagraph "b"(3)"4" of this paragraph, and
e=the value in subparagraph "b"(3)"5" of this paragraph.

_____
Date

_____
Larry J. Wilson, Director

(A:EP40A.MIN/306-90/pg)

Significant Differences between State Filtration and Disinfection Rules and Federal Regulations

The following is a brief summary of the significant differences between the EPA; Drinking water; National Primary Drinking Water Regulations; Filtration, Disinfection; Turbidity, Giardia lamblia, Viruses, Legionella, and Heterotrophic Bacteria; Final Rule 567--41 IAC final rule as of November 1990.

1. *Federal regulations reference the 16th Edition of "Standard Methods"*

   State rules reference the 17th Edition.

2. *State rules set up a specific 4 step criteria process to identify those public water supplies whose source of water is a groundwater under the direct influence of surface water. The state rules set 50 feet lateral distance from a surface water, as the threshold in the criteria when a formal evaluation must be conducted to determine if a well is influenced by surface water.*

   Federal regulations do not provide such criteria. Guidance documents/procedures developed by the EPA set 200 feet lateral distance from a surface water as the threshold for further evaluation.

3. *Federal regulations list definitions, criteria, monitoring, reporting and analytical procedures that public water supplies must meet in order to avoid providing filtration.*

   State rules do not permit public water supplies whose source is either surface water or influenced groundwater to avoid filtration.

4. *Federal regulations require supplies that want to to avoid filtration provide either redundant disinfection systems or automatic shut-off of the drinking water delivery system.*

   State rules require systems with filtration to also provide redundant disinfection or automatic shut-off of the delivery system.

5. *Federal regulations require that supplies with filtration and disinfection maintain a chlorine residual of 0.2 mg/l in the water entering the distribution system.*

   State rules require maintain a chlorine residual of 0.3 mg/l in the water entering the distribution system.

jwz:02990027
(10/26/90)

Mr. Stokes gave a brief explanation of the rules.

Motion was made by Richard Hartsuck to approve Final Rule--Chapters 40, 41, and 43, Water Supplies (Filtration and Disinfection). Seconded by Nancylee Siebenmann. Motion carried unanimously.

FINAL RULE--CHAPTERS 40 AND 41, WATER SUPPLIES (COLIFORM BACTERIA)

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The commission is asked to approve amendments to state water supply rules in Chapters 40 and 41 IAC. These amendments incorporate U.S. EPA regulations on coliform bacteria for public water supplies.

The amendments address maximum contaminant levels, monitoring requirements, and analytical procedures for total coliform bacteria. Major changes include:

- a change in the maximum contaminant level and how it is calculated;
- a requirement that the department will conduct sanitary surveys on a routine basis (every 5 years) for those supplies that take less than 5 samples per month. If the system is not inspected, it shall take a minimum of 5 samples per month;
- an increase in the number of repeat samples and routine samples following a positive result;
- public water supplies will be required to have a formal sampling plan for coliform testing;

Four public hearings were held in July. A public participation responsiveness summary addressing all oral and written comments received is attached.

No substantive changes were made in the proposed rules.

(A copy of the responsiveness summary is on file in the department's Records Center)

(Rule is shown on the following 11 1/2 pages)

ENVIRONMENTAL PROTECTION COMMISSION [567]
Adopted and Filed

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission for the Department of Natural Resources hereby adopts revisions to Chapter 40, "Scope of Division-Definitions-Forms-Rules of Practice," and Chapter 41, "Water Supplies," Iowa Administrative Code.

The Notice of Intended Action was published in the June 13, 1990 Iowa Administrative Bulletin as ARC 968A. Public hearings were held on July 9, July 10, July 11, and July 12, 1990. The amendments were adopted November 19-20, 1990 by the Environmental Protection Commission. Minor changes to the amendments to Chapters 40 and 41 proposed in the Notice of Intended Action have been made as the result of comments and are reflected in the responsiveness summary.

These water supply rules pertain to major revisions of the coliform bacteria monitoring requirements. The rule changes are proposed due to promulgation of regulations by EPA which become effective December 31, 1990.

These rules are intended to implement Iowa Code Chapter 455B, Division III, Part 1.

These rules shall become effective January 16, 1991 after filing with the Administrative Rules Coordinator and publication in the Iowa Administrative Bulletin.

ITEM 1. Amend rule 567--40.2(455B) by inserting in alphabetical order the following new definitions and amending the definition of "sanitary survey" and "standard methods":

"Confluent growth" means a continuous bacterial growth covering the entire filtration area of a membrane filter, or a portion thereof, in which bacterial colonies are not discrete.

"Sanitary survey" means a review and on-site inspection conducted by the department of the water source, facilities, equipment, operation and maintenance and records of a public water supply system for the purpose of evaluating the adequacy of such source, facilities, equipment, operation and maintenance for producing and distributing safe drinking water and identifying improvements necessary to maintain or improve drinking water quality.

"Standard methods" means "Standard Methods for the Examination of Water and Wastewater" ~~fourteenth~~ seventeenth edition, American Public Health Association, 1015 ~~18th~~ 15th Street, N.W., Washington, D.C. ~~20036~~ 20005 ~~(1975)~~ (1989).

"Too numerous to count" means that the total number of bacterial colonies exceeds 200 on a 47-mm diameter membrane filter used for coliform detection.

ITEM 2. Rescind 567--41.1(455B) and 567--41.2(455B) and insert the following:

567--41.1(455B) Primary drinking water regulations -- coverage. Rules 41.2(455B) to 41.5(455B) and 43.2(455B) shall apply to each public water supply system, unless the public water supply system meets all of the following conditions:

1. Consists only of distribution and storage facilities (and does not have any collection and treatment facilities);
2. Obtains all of its water from, but is not owned or operated by, a public water supply system to which such regulations apply;
3. Does not sell water to any person; and

4. Is not a carrier which conveys passengers in interstate commerce.

567--41.2(455B) Biological maximum contaminant levels (MCL) and monitoring requirements.

41.2(1) Coliforms, fecal coliforms and E. coli.

a. Applicability. These rules apply to all public water supply systems.

b. Maximum contaminant levels (MCL) for total coliforms, fecal coliforms/E. *coli.*

(1) The MCL is based on the presence or absence of total coliforms in a sample. The system is in compliance with MCL requirements for total coliform if it meets the following requirements:

1. For a system which collects 40 samples or more per month, no more than 5.0 percent of the samples collected during a month may be total coliform-positive.

2. For a system which collects less than 40 samples per month, no more than one sample collected during a month may be total coliform-positive.

(2) Any fecal coliform-positive repeat sample or E. coli-positive repeat sample, or any total coliform-positive repeat sample following a fecal coliform-positive or E. coli-positive routine sample constitutes a violation of the MCL for total coliforms. For purposes of the public notification requirements in 41.5(2)"a"(2), this is a violation that may pose an acute risk to health.

(3) Compliance of a system with the MCL for total coliforms in 41.2(1)"b"(1) and (2) is based on each month in which the system is required to monitor for total coliforms.

(4) Results of all routine and repeat samples not invalidated by the department or laboratory must be included in determining compliance with the MCL for total coliforms.

c. Monitoring requirements.

(1) Routine total coliform monitoring.

1. Public water supply systems must collect total coliform samples at sites which are representative of water throughout the distribution system according to a written sample siting plan. The plan shall be reviewed or updated by the public water supply system every two years and shall be retained on file at the facility. Major elements of the plan shall include, but are not limited to, a map of the distribution system, notation or a list of routine sample location(s) for each sample period, resample locations for each routine sample, and a log of samples taken. The plan must be made available to the department upon request and during sanitary surveys and must be revised by the system as directed by the department.

2. The public water supply system must collect samples at regular time intervals throughout the month, except that a system which uses only groundwater (except groundwater under the direct influence of surface water, as defined in 43.5(1)"b") [see ARC 965A herein], and serves 4,900 persons or fewer, may collect all required samples on a single day if they are taken from different sites.

3. Community water systems. The monitoring frequency for total coliforms for community water systems and noncommunity water systems serving schools, to include preschools and day care centers, is based on the population served by the system as listed below, until June 29, 1994. Public water systems which do not collect five or more routine samples each month must undergo an initial sanitary survey by June 29, 1994. After June 29, 1994, the monitoring frequency for systems serving less than 4,101 persons shall be a minimum of five routine samples per month unless the department determines, after

completing sanitary surveys (at intervals not to exceed five years), that the monitoring frequency may continue as listed below. The monitoring frequency for regional water systems shall be as listed in 41.2(1)"c"(1)"4" but in no instance less than that required by the population equivalent served.

Total Coliform Monitoring Frequency for Community Water Systems and Noncommunity Schools

Population Served	Minimum Number of Samples Per Month
25 to 1,000*	1
1,001 to 2,500	2
2,501 to 3,300	3
3,301 to 4,100	4
4,101 to 4,900	5
4,901 to 5,800	6
5,801 to 6,700	7
6,701 to 7,600	8
7,601 to 8,500	9
8,501 to 12,900	10
12,901 to 17,200	15
17,201 to 21,500	20
21,501 to 25,000	25
25,001 to 33,000	30
33,001 to 41,000	40
41,001 to 50,000	50
50,001 to 59,000	60
59,001 to 70,000	70
70,001 to 83,000	80
83,001 to 96,000	90
96,001 to 130,000	100
130,001 to 220,000	120
220,001 to 320,000	150
320,001 to 450,000	180
450,001 to 600,000	210
600,001 to 780,000	240
780,001 to 970,000	270

* Includes public water supply systems which have at least 15 service connections, but serve fewer than 25 persons

4. Regional water systems. The supplier of water for a regional water system as defined in rule 567--40.2(455B) shall sample for coliform bacteria at a frequency indicated in the following chart until June 29, 1994, but in no case shall the sampling frequency for a regional water system be less than as set forth in 41.2(1)"c"(1)"3", based on the population equivalent served. Public water systems which do not collect five or more routine samples each month must undergo an initial sanitary survey by June 29, 1994. After June 29, 1994, the monitoring frequency of systems with less than 82 miles of pipe shall be a minimum of five routine samples per month unless the department determines, after completing sanitary surveys (at intervals not exceeding five years), that the monitoring frequency may continue as listed below. The following chart represents sampling frequency per miles of

distribution system and is determined by calculating one-half the square root of the miles of pipe.

Total Coliform Monitoring Frequency for Regional Water Systems

Miles of Pipe	Minimum Number of Samples Per Month
0 - 9	1
10 - 25	2
26 - 49	3
50 - 81	4
82 - 121	5
122 - 169	6
170 - 225	7
226 - 289	8
290 - 361	9
362 - 441	10
442 - 529	11
530 - 625	12
626 - 729	13
730 - 841	14
842 - 961	15
962 - 1,089	16
1,090 - 1,225	17
1,226 - 1,364	18
1,365 - 1,521	19
1,522 - 1,681	20
1,682 - 1,849	21
1,850 - 2,025	22
2,026 - 2,209	23
2,210 - 2,401	24
2,402 - 2,601	25
2,602 - 3,249	28
3,250 - 3,721	30
3,722 - 4,489	33
4,490 - 5,041	35

5. Noncommunity water systems. The monitoring frequency for total coliforms for noncommunity water systems is as listed in the four unnumbered paragraphs below until June 29, 1999. Public water systems which do not collect five or more routine samples each month must undergo an initial sanitary survey by June 29, 1999. After June 29, 1999, the minimum number of samples shall be five routine samples per month unless the department determines, after completing sanitary surveys (at intervals not exceeding five years), that the monitoring frequency may continue as listed below.

A noncommunity water system using only groundwater (except groundwater under the direct influence of surface water, as defined in 567--43.5(1)"b") and serving 1,000 persons or fewer must monitor each calendar quarter that the system provides water to the public. Systems serving more than 1,000 persons during any month must monitor at the same frequency as a like-sized community water system, as specified in 41.2(1)"c"(1)"3."

A noncommunity water system using surface water, in total or in part, must monitor at the same frequency as a like-sized community water system, as specified in 41.2(1)"c"(1)"3", regardless of the number of persons it serves.

A noncommunity water system using groundwater under the direct influence of surface water, as defined in 567--43.5(1)"b", must monitor at the same frequency as a like-sized community water system, as specified in 41.2(1)"c"(1)"3." The system must begin monitoring at this frequency beginning six months after the department determines that the groundwater is under the direct influence of surface water.

A noncommunity water system serving schools must monitor at the frequency as a like-sized community water system, as specified in 41.2(1)"c"(1)"3."

6. If the department, on the basis of a sanitary survey, determines that some greater frequency of monitoring is more appropriate, that frequency shall be the frequency required under these regulations. This frequency shall be confirmed or changed on the basis of subsequent surveys.

7. Special purpose samples, such as those taken to determine whether disinfection practices are sufficient following pipe placement, replacement, or repair, shall not be used to determine compliance with the MCL for total coliforms in 41.2(1)"b." Repeat samples taken pursuant to 41.2(1)"c"(2) are not considered special purpose samples, and must be used to determine compliance with the MCL for total coliforms in 41.2(1)"b."

(2) Repeat total coliform monitoring.

1. Repeat sample time limit and numbers. If a routine sample is total coliform-positive, the public water supply system must collect a set of repeat samples within 24 hours of being notified of the positive result and in no case more than 24 hours after being notified by the department. A system which collects more than one routine sample per month must collect no fewer than three repeat samples for each total coliform-positive sample found. A system which collects one routine sample per month or fewer must collect no fewer than four repeat samples for each total coliform-positive sample found. The department may extend the 24-hour limit on a case-by-case basis if the system has a logistical problem in collecting the repeat samples within 24 hours that is beyond its control. In those cases, the public water supply system must report the circumstances to the department no later than the end of the next business day after receiving the notice to repeat sample and initiate the action directed by the department. In the case of an extension, the department will specify how much time the system has to collect the repeat samples.

2. Repeat sample locations(s). The system must collect at least one repeat sample from the sampling tap where the original total coliform-positive sample was taken, and at least one repeat sample at a tap within five service connections upstream and at least one repeat sample at a tap within five service connections downstream of the original sampling site. If a total coliform-positive sample is at the end of the distribution system, or at the first or last service connection, the system will be required to collect the repeat samples from the original sampling site and locations only upstream or downstream.

3. The system must collect all repeat samples on the same day, except that the department may allow a system with a single service connection to collect the required set of repeat samples over a four-day period. "System with a single service connection" means a system which supplies drinking water to consumers through a single service line.

4. Additional repeat sampling. If one or more repeat samples in the set is total coliform-positive, the public water supply system must collect an

additional set of repeat samples in the manner specified in 41.2(1)"c"(2)1 through 41.2(1)"c"(2)3. The system must repeat this process until either total coliforms are not detected in one complete set of repeat samples or the system determines that the MCL for total coliforms in 41.2(1)"b" has been exceeded, notifies the department, and provides public notification to its users.

5. If a system collecting fewer than five routine samples per month has one or more total coliform-positive samples and the department does not invalidate the sample(s) under 41.2(1)"c"(3), it must collect at least five routine samples during the next month the system provides water to the public. For systems monitoring on a quarterly basis, the additional five routine samples may be required to be taken within the same quarter in which the original total coliform-positive occurred.

The department may waive the requirement to collect five routine samples the next month the system provides water to the public if the department has determined why the sample was total coliform-positive and establishes that the system has corrected the problem or will correct the problem before the end of the next month the system serves water to the public. In this case, the department must document this decision to waive the following month's additional monitoring requirement in writing, have it approved and signed by the supervisor of the water supply section and the department official who recommends such a decision, and make this document available to the EPA and public. The written documentation will generally be provided by the public water supply system in the form of a request and must describe the specific cause of the total coliform-positive sample and what action the system has taken to correct the problem. The department will not waive the requirement to collect five routine samples the next month the system provides water to the public solely on the grounds that all repeat samples are total coliform-negative. Under this paragraph, a system must still take at least one routine sample before the end of the next month it serves water to the public and use it to determine compliance with the MCL for total coliforms in 41.2(1)"b."

(3) Invalidation of total coliform samples. A total coliform-positive sample invalidated under this subparagraph does not count towards meeting the minimum monitoring requirements of 41.2(1)"c." The department may invalidate a total coliform-positive sample only if one or more of the following conditions are met.

1. The laboratory establishes that improper sample analysis caused the total coliform-positive result. A laboratory must invalidate a total coliform sample (unless total coliforms are detected, in which case, the sample is valid) if the sample produces a turbid culture in the absence of gas production using an analytical method where gas formation is examined (e.g., the multiple-tube fermentation technique), produces a turbid culture in the absence of an acid reaction in the presence-absence (P-A) coliform test, or exhibits confluent growth or produces colonies too numerous to count with an analytical method using a membrane filter (e.g., membrane filter technique). If a laboratory invalidates a sample because of such interference, the system must collect another sample from the same location as the original sample within 24 hours of being notified of the interference problem, and have it analyzed for the presence of total coliforms. The system must continue to resample within 24 hours and have the samples analyzed until it obtains a valid result. The department may waive the 24-hour time limit on a case-by-case basis.

2. The department, on the basis of the results of repeat samples collected

as required by 41.2(1)"c"(2)"1" to "4," determines that the total coliform-positive sample resulted from a domestic or other nondistribution system plumbing problem. "Domestic or other nondistribution system plumbing problem" means a coliform contamination problem in a public water supply system with more than one service connection that is limited to the specific service connection from which the coliform-positive sample was taken. The department will not invalidate a sample on the basis of repeat sample results unless all repeat samples collected at the same tap as the original total coliform-positive sample are also total coliform-positive, and all repeat samples collected within five service connections of the original tap are total coliform-negative (e.g., the department will not invalidate a total coliform-positive sample on the basis of repeat samples if all the repeat samples are total coliform-negative, or if the public water supply system has only one service connection).

3. The department has substantial grounds to believe that a total coliform-positive result is due to a circumstance or condition which does not reflect water quality in the distribution system. In this case, the system must still collect all repeat samples required under 41.2(1)"c"(2)"1" to "4," and use them to determine compliance with the MCL for total coliforms in 41.2(1)"b." To invalidate a total coliform-positive sample under this paragraph, the decision with the rationale for the decision must be documented in writing, and approved and signed by the supervisor of the water supply section and the department official who recommended the decision. The department must make this document available to EPA and the public. The written documentation generally provided by the public water supply system in the form of a request must state the specific cause of the total coliform-positive sample, and what action the system has taken to correct this problem. The department will not invalidate a total coliform-positive sample solely on the grounds of poor sampling technique or that all repeat samples are total coliform-negative.

(4) Fecal coliforms/Escherichia coli (E. coli) testing.

1. If any routine or repeat sample is total coliform-positive, the system must analyze that total coliform-positive culture medium to determine if fecal coliforms are present, except that the system may test for E. coli in lieu of fecal coliforms.

2. The department may allow a public water supply system, on a case-by-case basis, to forego fecal coliform or E. coli testing on a total coliform-positive sample if that system assumes that the total coliform-positive sample is fecal coliform-positive or E. coli-positive. Accordingly, the system must notify the department as specified in 41.2(1)"c"(5)"1" and meet the provisions of 567-41.5(455B) pertaining to public notification.

(5) Public water supply system's response to violation.

1. A public water supply system which has exceeded the MCL for total coliforms in 41.2(1)"b" must report the violation to the water supply section of the department by telephone no later than the end of the next business day after it learns of the violation, and notify the public in accordance with 41.5(2)"a."

2. A public water supply system which has failed to comply with a coliform monitoring requirement must report the monitoring violation to the department within ten days after the system discovers the violation and notify the public in accordance with 41.5(2)"b."

3. If fecal coliforms or E. coli are detected in a routine or repeat sample, the system must notify the department by telephone by the end of the

day when the system is notified of the test result, unless the system is notified of the result after the department office is closed, in which case the system must notify the department before the end of the next business day.

d. Best available technology (BAT). The U.S. EPA identifies, and the department has adopted the following as the best technology, treatment techniques, or other means available for achieving compliance with the maximum contaminant level for total coliforms in 41.2(1)"b."

(1) Protection of wells from contamination by coliforms by appropriate placement and construction;

(2) Maintenance of a disinfectant residual throughout the distribution system;

(3) Proper maintenance of the distribution system including appropriate pipe replacement and repair procedures, main flushing programs, proper operation and maintenance of storage tanks and reservoirs, and continual maintenance of a minimum positive water pressure of 20 psig in all parts of the distribution system; and

(4) Filtration or disinfection of surface water in accordance with Chapter 567--43.5(455B) or disinfection of groundwater using strong oxidants such as, but not limited to, chlorine, chlorine dioxide, or ozone.

e. Analytical methodology.

(1) The standard sample volume required for total coliform analysis, regardless of analytical method used, is 100 ml.

(2) Public water supply systems shall determine the presence or absence of total coliforms. A determination of total coliform density is not required.

(3) Total coliform analyses. Public water supply systems must conduct total coliform analyses in accordance with one of the following analytical methods:

1. Multiple-Tube Fermentation (MTF) Technique, as set forth in "Standard Methods," Method 9921, 9921A, and 9921B--pp. 9-66 to 9-75, except that 10 fermentation tubes must be used; or "Microbiological Methods for Monitoring the Environment, Water and Wastes," U.S. EPA, Environmental Monitoring and Support Laboratory, Cincinnati, Ohio 45268 (EPA-600/8-78-017, December 1978, available from ORD Publications, CERI, U.S. EPA, Cincinnati, Ohio 45268), Part III, Section B.4.1-4.6.4, pp. 114-118 (Most Probable Number Method), except that 10 fermentation tubes must be used; or

2. Membrane Filter (MF) Technique, as set forth in "Standard Methods," Method 9222A, 9222B, and 9222C--pp. 9-82 to 9-93; or "Microbiological Methods for Monitoring the Environment, Water and Wastes," U.S. EPA, Environmental Monitoring and Support Laboratory, Cincinnati, Ohio 45268 (EPA-600/8-78-017, December 1978, available from ORD Publications, CERI, U.S. EPA, Cincinnati, Ohio 45268), Part III, Section B. 2.1-2.6, pp. 108-112; or

3. Presence-Absence (P-A) Coliform Test, as set forth in "Standard Methods," , Method 9921E--pp. 9-80 to 9-82; or

4. Minimal Medium ONPG-MUG (MMO-MUG) Test, as set forth in the article "National Field Evaluation of a Defined Substrate Method for the Simultaneous Detection of Total Coliforms and Escherichia coli from Drinking Water: Comparison with Presence-Absence Techniques" (Edberg et al), Applied and Environmental Microbiology, Volume 55, pp. 1003-1008, April 1989. (Note: The MMO-MUG Test is sometimes referred to as the Autoanalysis Colilert System.)

(4) In lieu of the 10-tube MTF Technique specified in 41.2(1)"e"(3)"1", a public water supply system may use the MTF Technique using either five tubes (20-ml sample portions) or a single culture bottle containing the culture medium for the MTF Technique, i.e., lauryl tryptose broth (formulated as described in "Standard Methods," Method 9221B--p. 9-68), as long as a 100-ml

water sample is used in the analysis.

(5) Fecal coliform analysis. Public water systems must conduct fecal coliform analysis in accordance with the following procedure. When the MTF technique of presence-absence (P-A) coliform test is used to test for total coliforms, shake the lactose-positive presumptive tube or P-A bottle vigorously and transfer the growth with a sterile 3-mm loop or sterile applicator stick into brilliant green lactose bile broth and EC medium to determine the presence of total and fecal coliforms, respectively. For EPA-approved analytical methods which use a membrane filter, remove the membrane containing the total coliform colonies from the substrate with sterile forceps and carefully curl and insert the membrane into a tube of EC medium. (The laboratory may first remove a small portion of selected colonies for verification). Gently shake the inoculated EC tubes to ensure adequate mixing and incubate in a waterbath at 44.5 (±) 0.2 °C for 24 (±) 2 hours. Gas production of any amount in the inner fermentation tube of the EC medium indicates a positive fecal coliform test. The preparation of EC medium is described in "Standard Methods," Method 9921C--p. 9-75, paragraph 1a. Public water supply systems need only determine the presence or absence of fecal coliforms; a determination of fecal coliform density is not required.

41.2(2) Giardia - Reserved.

41.2(3) Heterotrophic - Plate count bacteria

41.2(4) Macroscopic organisms and algae.

a. Applicability. These rules apply to both community and noncommunity public water supply systems using surface water or ground water under direct influence of surface as defined by 43.5(1).

b. Maximum contaminant levels (MCL) for macroscopic organisms and algae. Finished water shall be free of any macroscopic organisms such as plankton, worms, or cysts. The finished water algal cell count shall not exceed 500 organisms per milliliter or 10 percent of the total cells found in the raw water, whichever is greater. Compliance with the maximum contaminant level for algal cells is calculated in accordance with 41.2(4)"c."

c. Monitoring requirements - reserved.

d. BAT - reserved.

e. Analytical methodology. Measurement of the algal cells shall be in accordance with Method 10200F, "Standard Methods," pp. 10-23 to 10-28. Such measurement shall be required only when the department determines on the basis of complaints or otherwise that excessive algal cells are present.

ITEM 3. Rescind and reserve subrule 41.3(4). This subrule has been completely rewritten and the requirements are included within 41.2(1)"b."

ITEM 4. Rescind subrule 41.3(7) and the implementation clause at the end thereof. Provisions of 41.3(7) are now found within 41.2(4) without material change.

ITEM 5. Rescind and reserve subrule 41.4(1). This subrule has been completely rewritten and the requirements are included within 41.2(1)"c."

ITEM 6. Rescind and reserve subrule 41.4(10). Provisions of 41.4(10) are now found within 41.2(4) without material change.

ITEM 7. Rescind subrule 41.5(1) paragraph "b" and insert the following:

b. Except where a different reporting period is specified in this part, the supplier of water shall report to the department, within 48 hours after any failure to comply with the monitoring requirements set forth in this rule. The supplier of water shall also notify the department within 48 hours of failure to comply with any primary drinking water regulations.

ITEM 8. Subrule 41.5(2)"a"(2) is amended by adding a numbered paragraph "3" to read as follows:

3. Violation of the MCL for total coliforms, when fecal coliforms or E. *coli are present in the water distribution system, as specified* in 41.2(1)"b"(2).

ITEM 9. Subrule 41.5(2)"e" is amended by adding the following in alphabetical order:

Total coliforms (to be used when there is a violation of 41.2(1)"b"(1) and not a violation of 41.2(1)"b"(2)). The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that the presence of total coliforms is a possible health concern. Total coliforms are common in the environment and are generally not harmful themselves. The presence of these bacteria in drinking water, however, generally is a result of a problem with water treatment or the pipes which distribute the water and indicates that the water may be contaminated with organisms that can cause disease. Disease symptoms may include diarrhea, cramps, nausea, and possibly jaundice, and any associated headaches and fatigue. These symptoms, however, are not just associated with disease-causing organisms in drinking water, but also may be caused by a number of factors other than the drinking water. EPA has set an enforceable drinking water standard for total coliforms to reduce the risk of these adverse health effects. Under this standard, no more than 5.0 percent of the samples collected during a month can contain these bacteria, except that systems collecting fewer than 40 samples/month that have one total coliform-positive sample per month are not violating the standard. Drinking water which meets this standard is usually not associated with a health risk from disease-causing bacteria and should be considered safe.

Fecal coliforms/E. coli (to be used when there is a violation of 41.2(1)"b"(2) or both 41.2(1)"b"(1) and (2)). The United States Environmental Protection Agency (EPA) sets drinking water standards and has determined that the presence of fecal coliforms or E. coli is a serious health concern. Fecal coliforms and E. coli are generally not harmful themselves, but their presence in drinking water is serious because they usually are associated with sewage or animal wastes. The presence of these bacteria in drinking water is generally a result of a problem with water treatment or the pipes which distribute the water and indicates that the water may be contaminated with organisms that can cause disease. Disease symptoms may include diarrhea, cramps, nausea, and possibly jaundice, and associated headaches and fatigue. These symptoms, however, are not just associated with disease-causing organisms in drinking water, but also may be caused by a number of factors other than the drinking water. EPA has set an enforceable drinking water standard for fecal coliforms and E. coli to reduce the risk of these adverse health effects. Under this standard all drinking water samples must be free of these bacteria. Drinking water which meets this standard is associated with little or none of this risk and should be considered safe. State and local health authorities recommend that consumers take the following precautions: (to be inserted by the public water supply system, according to instructions from state or local authorities).

_____

Date

_____

Larry J. Wilson, Director

(A:EP40-41.RUL/282-90/bkp)

Significant Differences Between State Coliform Rules and Federal Regulations

The following is a brief summary of the significant differences between the EPA; Drinking water; National Primary Drinking Water Regulations; Total Coliforms (Including Fecal Coliforms and E. coli); Final Rule and the Departments Chapter 567--41 IAC proposed rules as of November 1990.

1. *Federal regulations reference the 16th Edition of "Standard Methods"*

   State rules reference the 17th Edition.

2. *State rules set specific monitoring requirements for schools, to include preschools and day-cares, and regional water systems. This is an existing regulation being included in the proposed rules.*

   Federal regulations do not.

3. *State rules do not reference the entire federal table on monitoring requirements for large community public water supplies because there are no cities in the state of that size.*

4. *Federal regulations provide for a reduced monitoring frequence (1/quarter for communtiy, 1/year for noncommunity) for supplies if the source is a protected source, there are no sanitary defects, and the reduced monitoring frequency is set by Department in writing by some written procedure approved by EPA.*

   State rules do not permit this option to reduce the monitoring to this low a level.

5. *Federal regulations state;*
   - *sanitary surveys must be completed by 1994 for community public water supplies; by 1999 for noncommunity who take less than 5 samples/month.*
   - *it is the PWS responsibility to insure the sanitary surveys take place and shall notify the Department if the survey is not completed.*
   - *the sanitary survey must be conducted by the Department or a third party approved by the department.*

   State rules provide;
   - *sanitary surveys shall be conducted by the Department within the time required by federal regulations*
   - *if the sanitary surveys are not completed as prescribed the facilities monitoring frequency shall increase to 5/month.*

6. *Federal regulations require surface and influenced groundwater supplies without filtration to;*
   - *sample near the first service connection if turbidity exceeds the standard.*
   - *use results in calculating compliance with MCL.*

   State filtration and disinfection rule requires affected public water supplies to provide filtration. Therefore, requirements for unfiltered systems are not addressed in the rule

7. *Federal regulations provide option to waive 5 repeat samples the next month following a positive sample, if a sanitary survey is conducted within that time period.*

State rules do not provide for this option.

8. *Federal regulations provide an option to waive certain provisions within the rules if approved by the section supervisor.*

   State rules allow this provision but require the facility to provide the written documentation in their request for the waiver.

9. *Federal regulations provide option to count routine samples within 5 service connections of a positive result as repeat samples.*

   State rules do not provide for this option.

10. *Federal regulations cite a well head protection program as part of best available technology.*

    State rules do not, since we do not have a wellhead protection program

11. *State rules and federal regulations require than when a positive sample occurs, repeat samples must be taken above, below and at the original sample site. Federal regulations provide that when the positive sample occurs at the end of the distribution system, the department may waive the sample above the positive sample location.*

    State rules require that both repeat samples be taken below the positive sample location.

12. *Federal regulations provide that a PWS, with a single service connection, may take one 300 ml volume repeat sample in place of the three regular 100 ml samples, above below and at the original sample location.*

    State rules require three 100 ml samples over a three day period when only one service connection is available.

Mr. Stokes gave an explanation of the rules.

Discussion followed.

Motion was made by Nancylee Siebenmann to approve Final Rule--- Chapters 40 and 41, Water Supplies (Coliform Bacteria). Seconded by Richard Hartsuck. Motion carried unanimously.

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation

reports have been provided to the Commissioners and are confidential pursuant to Iowa Code section 22.7(4).

Country Lane Foods, Div. of Yoder, Inc. (Kalona) - water pollution
MoCo Pork and Deer Run Farm, Inc. (Albia) - water pollution
William Waddingham and Hancock County - underground tanks

Country Lane Foods, Division of Yoder, Inc.

Mr. Murphy stated that this case involves an investigation of complaints beginning July 23, 1990 during which time it was observed that chicken waste from the below building pits was overflowing and travelling into a terrace, through the tile line outlet, and into a stream. Field office staff dealt with the facility manager in trying to get it stopped. Mr. Murphy noted that it was a matter of weeks before the matter was adequately addressed. He related that in view of the length of time it took to correct the situation and also the fact that this company has been under prior Administrative Order, it is the feeling of staff that it should be referred.

Motion was made by Margaret Prahl for referral to the Attorney General's Office. Seconded by Rozanne King. Motion carried unanimously.

CONTESTED CASE APPEAL--LOUISA COURTS WATER SUPPLY

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

On February 15, 1990, the department issued Administrative Order 90-WS-20 to Louisa Courts Water Supply. That action required Louisa Courts to provide a bacterially safe water supply, to perform required bacteria and nitrate monitoring, and to pay a $400 penalty. That action was appealed and the matter proceeded to administrative hearing on June 15, 1990. The Administrative Law Judge issued the Proposed Findings of Fact, Conclusions of Law, and Order on July 12, 1990. The decision affirms the Department's Order, with the exception of rescinding the penalty.

Louisa Courts has appealed this order to the Commission. The Proposed Decision, and pertinent documents have been distributed to the Commissioners. At the September meeting, the Commission voted 3 to 3 to affirm the Decision, thus the Motion failed. The Commission then appointed a subcommittee to study the record further and return with a recommedation to the Commission as a whole. The staff urges the Commission to affirm the Proposed Decision. You may affirm the Proposed Decision, or modify or reverse it, substituting your own findings of fact and

conclusions of law based on your conclusions from your review of the record and legal argument.

Mr. Murphy briefed the Commission on the history of this case. He added that the subcommittee might have some thoughts on this issue and urged the Commission to affirm the hearing officer's decision.

APPOINTMENT - GENE HINKHOUSE

Gene Hinkhouse, owner of Louisa Courts, addressed the Commission stating that their November test results showed their water supply tested satisfactory. He added that it has been satisfactory for 15 successive tests now. Mr. Hinkhouse stated that the Administrative Law Judge upheld the order to require chlorination but she did not uphold the fine. He reviewed issues in the case referring to the truth of a statement made by Jim Sievers; the cause of their problems being their own fault and not that of the water supply; improved understanding on their part regarding DNR requirements, procedures, and methods; and statistics on their sampling history. In conclusion, Mr. Hinkhouse asked the Commission to rescind the Order requiring them to chlorinate.

Chairperson Mohr stated that she, Rozanne King and William Ehm were on the committee appointed to study this case. She commented that it is her feeling that both parties were at fault, that when the department says they are going to send someone out, they should follow through and send someone out. She added that the Hinkhouses were negligent when they have 60-plus parties on hook up for a safe water supply, they should make that a top priority for their clients.

Rozanne King asked if there is a procedures handbook in regards to testing and responsibilities for individuals when they apply for a public water supply permit. She related that she feels something along that line should be provided to applicants.

William Ehm commented that the law is pretty explicit and the rules have been pretty well accepted over the years. He noted that it is his understanding that any reversal by the Commission has to be based on Findings of Fact and Conclusions of the Law and he does not find any reason to reverse the Administrative Law Judge's decision.

Chairperson Mohr stated that it is the consensus of subcommittee that the Administrative Law Judge's decision should be upheld.

Discussion followed regarding cause of the contamination, the Hinkhouse's responsibility to deliver clean water to their

clients, whether or not chlorination will solve the problem, and the cost of a chlorination system.

Motion was made by William Ehm to uphold the Administrative Law Judge's decision. Seconded by Rozanne King. Motion carried unanimously.

PROPOSED CONTESTED CASE DECISION--JERRY F. JONES

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

On April 25, 1990, the department denied the application for "401" certification of Jerry F. Jones regarding his application to the U.S. Army Corps of Engineers for a "404" permit to place fill in an alleged wetland. That action was appealed and the matter proceeded to administrative hearing on August 24 and September 25, 1990. The Administrative Law Judge issued the attached Proposed Findings of Fact, Conclusions of Law, and Order on November 2, 1990. The decision affirms the department's action.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mr. Murphy briefed the Commission on the history of this case. He indicated that Mr. Jones had contacted him and intended to appeal.

The Commission took no action; this has the effect of upholding the Administrative Law Judge's decision in the absence of an appeal.

CONTESTED CASE DECISION APPEAL--JOHN DEERE DUBUQUE WORKS

Mike Murphy, Bureau Chief, Legal Services Bureau, presented the following item.

On May 2, 1989, the department issued a Notice of Intent to Include Property on the Registry of Abandoned or Uncontrolled Sites, to Deere and Company, John Deere Dubuque Works. That action was appealed and the matter proceeded to administrative hearing on a Joint Stipulation of Facts, written briefs of the parties, and oral argument on July 31, 1990. The Administrative Law Judge issued the Proposed Findings of Fact, Conclusions of

Law, and Order on August 30, 1990. The decision rules that the site in question is not an abandoned or uncontrolled site as defined in the Iowa Code, which is contrary to the department's position in this matter.

The department has appealed this order to the Commission. The Proposed Decision, and pertinent documents have been distributed to the Commissioners. The entire record, including hearing tapes and exhibits are available for your review. The parties will be available to argue their respective positions and respond to your questions. You may then affirm the Proposed Decision, or modify or reverse it, substituting your own findings of fact and conclusions of law based on your conclusions from your review of the record and legal argument.

Richard Hartsuck stated that he will abstain from discussion and vote in this case due to conflict of interest with a business/customer relationship.

Mr. Murphy asked Mark Landa of the Legal Bureau to present the department's case.

Mr. Landa reviewed this case stating that the sole issue to be resolved by this appeal is whether or not the disposal of a particular wastewater treatment sludge was disposal of a hazardous waste or a hazardous substance prior to regulation under Chapter 455B. He noted that John Deere obtained a permit to operate a sanitary disposal landfill on its Dubuque property in January, 1975. An industrial wastewater treatment sludge was one of the wastes disposed of in the landfill from 1980-1986. Prior to November, 1980, the effective date of federal rules pertaining to the regulation of hazardous waste, John Deere disposed of 1100 tons of this waste in accordance with a special waste authorization issued by the department.

In 1980, the landfill was designated by EPA as a listed F006 hazardous waste and Deere ceased disposal of the sludge. John Deere petitioned EPA to delist the waste as a hazardous waste. In 1981, EPA granted John Deere a temporary delisting, and as a result they again obtained authorization from the department to dispose of the sludge in the landfill. During 1981-1986 an additional 3200 tons was disposed of in the landfill. EPA continued review of the Deere application to delist the waste during this period, and ultimately Deere withdrew the petition and ceased disposal of the waste. The department's contention is that the 4300 tons of sludge disposed of at the landfill, although it was temporarily delisted, is no longer delisted because a final delisting was never obtained by John Deere. For this reason, the waste under the federal and state law is both a hazardous waste and a hazardous substance. The Administrative Law Judge ruled, however, that the disposal was not prior to regulation, and the department does appeal the ruling on the issue of whether or not this disposal was prior to regulation under Chapter 455B. No weight was given to the fact that this waste was disposed of on a temporary basis as a solid waste. The

proposed decision currently provides that the combination of the definition of abandoned and uncontrolled disposal site, with the availability of John Deere to obtain a temporary delisting of its' hazardous waste under federal regulations, creates a loophole in the comprehensive regulation of hazardous waste in the State of Iowa. The department's position is that this loophole need not be created and is not created if the department's interpretation is adopted. If placed on the registry, the circumstances of the disposal at the Deere site will be set out in an annual report so there will be no misunderstanding that this waste was disposed of legally by private regulation. Also, John Deere will not be able to sell, convey or transfer title to the site without the written approval of the Director. The department,s position is that the proposed ruling on this matter is in conflict with the law which provides that the Director shall take all necessary action to insure that the registry provides a complete listing of all sites. The focus has to be on whether or not the site at which the hazardous waste/substances are located today poses a threat to the public health or safety today.

A brief discussion followed.

APPOINTMENT - BILL ZESSER

Bill Zesser, Assistant General Counsel, Deere & Company, Moline, Illinois stated that the issue as seen by Deere is one of statutory construction. He related that the section involved is one which states "abandoned or uncontrolled disposal site means real property which has been used for disposal of hazardous waste or hazardous substances, either illegally or prior to regulation under this Chapter." Mr. Zesser stated that the sole question relates to use prior to regulation under the Chapter. He related that the stipulation of facts is clear that in all relative times the company was permitted by DNR, under Chapter 455B, to use the site. He added that the key words are "regulation under this Chapter," the Chapter being 455B. Mr. Zesser stated that the Commission has the right to interpret the statute, but in the interpretation the Commission should not rewrite it. He noted that the Commission is being asked to rewrite the statute so that it conforms to what the department would like. Mr. Zesser asked the Commission to interpret the statute as they find it, and the legislature can change it or rewrite it. He requested the Commission to affirm the decision of the Administrative Law Judge in regard to this matter.

Margaret Prahl asked if the Commission has to make a decision on this issue today. She related that she would like to give the issue further study.

Mr. Murphy responded that the decision does not have to be made today.

Gary Priebe asked what the problem is in being placed on the registry if it is not going to cost the company anything.

Mr. Zesser stated that in being on the list there are restrictions in terms of use and sale.

Discussion followed on the need to make a decision in this matter.

Motion was made by William Ehm to table the Proposed Contested Case Appeal for John Deere Dubuque Works until the December meeting. Seconded by Margaret Prahl. Motion carried unanimously.

REFERRALS TO THE ATTORNEY GENERAL (Continued)

MoCo Pork and Deer Run Farm, Inc.

Mr. Murphy stated that this case involves problems surrounding a hog confinement/feeding operation in Monroe County. The main problem being a discharge of hog wastes on August 1, 1990 into Middle Avery Creek which caused an extensive fishkill. MoCo Pork purchased and took over the operation of this facility on July 6, 1990. Prior to that it was owned and operated by Deer Run Farm, Inc. He reviewed prior dealings with Deer Run Farm in regards to construction and permits for their lagoons. Mr. Murphy stated that the tile system and outlet structure was installed within the last 15 months and was put in as a safety feature. He added that the control structure and tile system, or the two lagoons were not permitted by the department. Samples taken showed the impact on the stream was approximately three miles in length. Mr. Murphy noted that MoCo Pork has taken measures to close off the tile system, and they have done everything the department requested of them. He added that Deer Run Farm had somehow gotten the impression that they did not need a permit. MoCo Pork is now in the process of submitting necessary information to obtain the required permits for the lagoons. Mr. Murphy stated that because the construction of the lagoons and the tile system had a lot to do with what happened, it is the feeling of staff that Deer Run Farm should be included in the referral. Both parties have indicated a willingness to negotiate a settlement.

APPOINTMENT - JEFF KAYSER

Jeff Kayser, co-owner of MoCo Pork, stated that he is not sure what the process is supposed to be and he asked what they need to do. He related that they will work to resolve the situation and to prevent this type of accident from occurring in the future. He provided background information on MoCo Pork and distributed hand-outs listing the names of their investors. Mr. Kayser noted that MoCo Pork is a partnership which own two swine production centers in Albia and is made up of a group of farmers from Iowa.

Margaret Prahl stated that she will disqualify herself from discussion and vote due to a conflict of interest.

Mr. Kayser stated that on seven occasions before purchase of the site he called DNR requesting information as they wanted to buy something that was under full compliance with the statutes of the state. He distributed a log showing the dates, time, and phone number of contacts made at DNR. He added that their realtor also wrote the department two letters requesting information. He related that DNR gave the impression that everything was in good standing in relation to Deer Run Farm. Mr. Kayser stated that after the accident on August 1, DNR staff seemed to have a long history of problems with Deer Run Farm, which was not brought to his attention before the farms were purchased. He expanded on these problems and reviewed details of the August 1st spill and what was done to correct the situation. Mr. Kayser stated that MoCo Pork has done everything required by the department and noted that they want to get the issue settled in an expedient manner.

Rozanne King asked if a written response was received from the department in regards to the phone calls and to the letters written by their realtor.

Mr. Kayser asked Dennis Hill to answer the question as he was the person who had conversations with the DNR.

APPOINTMENT - DENNIS HILL

Dennis Hill, co-owner of MoCo Pork, stated that in the Option to Purchase Agreement he asked that the purchase of the farm be voided if the lagoons and other regulations of the department were not in good standing with the DNR. He added that the first contact with DNR was a letter from their realtor to Jim Stricker asking for a letter to confirm that statement. Mr. Hill related that the realtor noted at the top of the letter that he had not received a response and he advised him (Mr. Hill) to contact Jack Clemens and Bob Palla of DNR, and Jeff Good, Monroe County Engineer to satisfy himself. Mr. Hill noted that each time he

had conversations with DNR he asked for something in writing to verify what they talked about, and the reply was that it is not the department's policy to do that.

APPOINTMENT - HAROLD MICK

Harold Mick, previous owner of Deer Run Farm, addressed the Commission stating that he thought they did not need a permit for the farm if they kept the number of hogs under 2,500. He added that they are strong believers in the environment and the extra field tile was installed as a precautionary step in case something did spill. Mr. Mick related that they did have an irrigation system that they also used.

William Ehm asked why, given the fact that there was a new set of owners, this case is handled as a referral rather than an Administrative Order.

Mr. Murphy replied that it is because of the seriousness of the extensive fishkill, and that there are questions on the degree of negligence.

Discussion followed regarding various issues and the extent of the department's responsibility in providing information, such as site assessments to realtors.

Rozanne King asked if a person writes a letter to the department if they receive a response.

Director Wilson stated that if there is indication in the letter that the writer is expecting a reply, or if they are asking outright for a reply, they certainly will get a reply. He added that there are times when a large number of letters are received on a specific issue and the writer is making a statement or opinion and does not require an answer.

Nancylee Siebenmann commented that it seems there is a culpable party here, but she does not think it is MoCo Pork. She added that her sense of justice is that Deer Run Park should be referred and that MoCo Pork should pay some kind of a fine covering the fishkill.

Motion was made by Nancylee Siebenmann that Deer Run Farm be referred to the Attorney General, and that MoCo Pork be fined an appropriate amount for the matter of the fishkill and advised of any future activity to bring themselves into compliance with department regulations. Seconded by Rozanne King.

Clark Yeager argued against the motion due to the fact that MoCo Pork was the company in operation at the time of the violation.

He stated that he feels both companies should be referred and let the Attorney General sort it out.

Gary Priebe stated that it astounds him that MoCo Pork called the department 13 times and did not receive an answer that satisfied them. He noted that the only place for this to be resolved is with the Attorney General.

Nancylee Siebenmann stated that she does not know what more could have been done by MoCo Pork as they made every effort to find out regulations governing their operation.

Discussion followed regarding phone calls, correspondence, and the department's response to same.

Motion was made by William Ehm to amend Commissioner Siebenmann's motion to include MoCo Pork in the referral to the Attorney General's Office. Seconded by Richard Hartsuck.

Chairperson Mohr requested a roll call vote. "Aye" vote was cast by Commissioners Ehm, Hartsuck, King, Yeager, and Mohr. "Nay" vote was cast by Commissioners Priebe and Siebenmann. Motion carried on a vote of 5-Aye to 2-Nay. Commissioner Prahl abstained due to conflict of interest.

Vote on Commissioner Siebenmann's motion, as amended, carried unanimously with the exception of Margaret Prahl abstaining.

Director Wilson commented that he is not saying staff did or did not respond appropriately to those 13 phone calls, but it does warrant follow-up and he will do that.

Margaret Prahl stated that she would like to know why there was no response to the letter from the realtor.

Director Wilson stated that he will check it out.

<u>William Waddingham and Hancock County</u>

Mr. Murphy stated that this matter involves the closure of a 1,000 gallon underground storage tank. He added that the circumstances of the closure involved deliberate misrepresentation for which there may be criminal liability. Additionally, there was a spill where leakage occurred and it was not reported until the department received an anonymous complaint. Mr. Murphy noted that the county has offered to try to settle their aspect of it as they realize that with a county employee involved they may be liable to some extent. He related that the county has made an offer of settlement which is not an adequate offer at this time.

APPOINTMENT - KARI ANDERSON

Kari Anderson, Attorney representing William Waddingham, stated that she met and spoke separately with the three individuals interviewed in the litigation report. She related that each of those individuals indicated some inaccuracies in Clay Swanson's report as to what they told him. She stated that in response to statements Mr. Waddingham made to these three individuals regarding the fact that arrangements would have to be made to remove the tank, they took it upon themselves to remove it without specific instructions from Mr. Waddingham. Ms. Anderson related that Mr. Waddingham was gone the day the tank was removed and he did not return to his office so he was unaware the tank had been removed. Also, he was not aware there was a spill until mid-morning of the following day. She noted that he immediately attempted to call the consultant the county had used regarding their underground tank, and he could not get through. An hour later Mr. Swanson telephoned Mr. Waddingham. Ms. Anderson stated that based upon her discussions with the individuals there may be a gross series of errors and misunderstandings between the parties and she urged the Commission to consider that as a possibility.

Margaret Prahl asked Ms. Anderson if she disputes the testimony of the witnesses.

Ms. Anderson replied that she did dispute the testimony to some degree adding that Mr. Tessman informed her that he misdirected Mr. Swanson as to the number of tanks. She added that each of the three individuals indicated that they were not directly requested by Mr. Waddingham to remove that tank on that day. Also, each of them told Ms. Anderson that they were not requested by Mr. Waddingham to remove the tank and to keep it quiet. Ms. Anderson noted that things may not be as they seem in the litigation report.

Richard Hartsuck commented that it seems the only resolution is that it be settled in a court where people take the stand to testify and go to jail if they lie.

Motion was made by Margaret Prahl for referral to the Attorney General's Office. Seconded by Nancylee Siebenmann. Motion carried unanimously.

GENERAL DISCUSSION ITEMS

Director Wilson distributed copies of the Budget Presentation to the Governor and explained same.

Discussion took place on policy for answering correspondence; what information is provided when a person receives a permit from the department; the frequency of point source contamination in underground water; how many referrals have assets frozen for collection of a fine; and the annual legislative reception.

ADDRESS ITEMS FOR NEXT MEETING

Report from A.G.'s Office

Annual Reception for Legislators

Follow-up on whether or not shredding will take place at Clayton mine

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson Mohr adjourned the meeting at 5:15 p.m., Monday, November 19, 1990.

Larry J. Wilson, Director

Nancylee Siebenmann, Secretary

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